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JOURNAL  
OF  
SOCIAL SCIENCE.

EDITED BY  
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*&c. &c.*

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# THE JOURNAL OF SOCIAL SCIENCE.

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## INTRODUCTION.

THE JOURNAL OF SOCIAL SCIENCE has been started with the object of circulating the papers read before the London meetings of the National Association for the Promotion of Social Science, and of supplying original papers and various information on the subjects embraced in the departments of the Association. It is not our intention here to defend the objects of the Association, or to define the limits of those sciences which it cultivates; at the same time it seems an appropriate occasion to say a few words with regard to the special subjects that the public may look for to be discussed in our pages. The social relations of man to man, and the duties that flow from these relations, constitute an enormous field for study and reflection, and so numerous are the questions that must arise out of their contemplation, that it might be well supposed that no Association or Journal could satisfactorily deal with them, and that amidst such a vast variety of topics, a partial and uninteresting selection could alone be made. It has, however, been practically shown that there are certain questions relating to the social existence of man that can be treated according to definite principles and laws, and that, when these are well ascertained, it is of the highest interest to society that they should be known and acted on.

Although at first sight it would appear that questions connected with law, education, political economy, and health, are mere matters of opinion, and that men can do no better than act upon their uninstructed instincts, it has been shown that the usages of society in all these great practical departments of life are founded on certain definite laws of the human mind in its rela-

tions to the external world, by which errors in practice can be demonstrated, and the avoidance of such errors be shown to be the highest wisdom of mankind.

The laws by which society are governed are, in fact, in the present day what the laws of experimental philosophy, chemistry, and physiology have been in past times. No one will at the present day deny that there is a science of chemistry and physiology, and that by a knowledge of the laws which govern the combination of elements, or those which control the life of organic beings, the chemist and the physiologist, within a certain range, can predict phenomena with the same certainty as the mathematician or astronomer. In the present condition of our knowledge of social phenomena, it is not possible to predict what will occur with the same certainty as in chemistry and physiology; but it is for the social philosopher to hope that he too may one day lay down the laws of society in such a manner as to indicate with a certainty equal to that of the chemist or physiologist what will happen as the result of any particular circumstance occurring in the social life of man. Already has it been shown in this country and the other civilised nations of the world, that the phenomena which result from the physical powers of man exerted upon the external world in procuring, elaborating, and exchanging the products which are necessary to his existence, are susceptible of the application of the strictest principles of inductive science, and that just as it can be shown what will be the result of certain chemical combinations, so the result of human action can be predicted. What has been done for human action in the department of trade and commerce, has been done with even more precision and certainty with regard to human health. Physiology has, within the last few years, advanced with rapid strides, and those who have cultivated this branch of science can predict with almost fearful precision what will occur to society when living under certain well-known physical conditions.

In the department of education, physiology again steps in to the aid of man, and demonstrates the connexion of all mental phenomena with the structure and condition of the brain and nervous system—supplies a large body of facts and principles in accordance with which our plans of education can alone be successfully conducted. Even with regard to legal procedures, and the great questions connected with the administration of



law, it has been most clearly shown that, underlying all great and successful systems of jurisprudence, are certain universal principles founded on the known moral constitution of man, which must be acted on to secure for man all the advantages which he ought to derive from living under circumstances favourable to the highest civilisation. The cry for liberty amongst the nations of the earth is not the idle repetition of a senseless word, but the utterance of the profoundest instinct of humanity, seeking to realise that freedom of action in which alone man can attain the greatest happiness and the highest objects of his existence.

The object of the Social Science Association has been to place before the world in the most manifold applications the great facts and principles which have already been observed, and as far as possible to advance those inquiries and methods of investigation which shall lead to yet further discoveries. To pursue the same course in a humble way will be the aim of this Journal. Feeling that the great object of that enormous aggregate of human industry to which the term literature is expressly applied, has for its legitimate aim the same object as ourselves, we are impressed with the difficulty of clearly defining our position; but we would ask for a place in the literature of our country, by wishing to treat with more precision—with more scientific accuracy—the great questions to which more or less the great mass of our literary efforts are directed. We purpose not so much to devote our pages to depicting social evils, as to the study of the means by which they may be removed. Nor do we propose to discuss all social questions alike, but dealing with those which are most pressing, and, from circumstances most important, endeavour to show what is the most desirable course of action to take in regard to them.

Although the facts and principles involved in each of the four departments of the Association are studied from a professional point of view by certain classes of persons, we shall seek to address the community at large, rather than any section supposed to be interested in the inquiries. It has too long been supposed that only lawyers are interested in the principles of legal procedure, that schoolmasters alone need to study the question of education, that merchants and statesmen are only

interested in political economy, whilst to doctors ought to be confided the great secrets by which health is to be maintained.

What we shall endeavour to show is, that there is no member of a civilised community, however low, that is not interested in understanding and discussing the great principles by which the welfare of society is regulated, and it will be our constant aim to present the subjects with which we deal in a language and style that can be appreciated by the great bulk of those who have been educated to read their own tongue. Whilst we hope to secure contributors to our pages whose names will at once be a guarantee of the soundness of their views, and the earnestness of their purpose, our pages will be open to the freest discussion. At the same time that we can admire the earnestness with which men maintain their religious and political principles, we shall not advocate practical action in social questions on the grounds of religious and political parties. Holding the right of every member of a free state to act upon his political and religious views, we shall be open to the fair and honourable discussion of all questions connected with the recognised sphere of the activity of the Social Science Association. That the questions interesting to human society must have a limit in our pages, as well as in the proceedings of the Association, will be evident to all when it is considered that, in its widest sense, social science embraces the consideration of the principles involved in the cultivation of the fine arts, the science of theology, and the practice of law and medicine.

Under these circumstances, it may be desirable to remind our readers of the constitution of the National Association for Promoting Social Science, and to call attention to the subjects which have been most prominently discussed at its meetings, and which it contemplates cultivating in its future activity.

The first department of the Association is that of Jurisprudence and the Amendment of the Law. To this department are referred all questions affecting the great principles of legislature, and the relations of the government of one country to that of another, and of its relations to its own subjects. It will be easily seen that numerous sub-divisions of this department might be proposed. It has been found, however, practically to work well when the papers have been sufficiently numerous, to sub-divide the department into three sections. One embracing all questions

of International Law, and in which the principles that should govern the laws of one nation in relation to that of another, are discussed. To this section belong the examination of the facts that should guide nations in carrying out the principles of non-intervention and neutrality, and of maritime law in time of war. To a second section is referred all the questions connected with civil law, whilst a third embraces criminal law. To the second section is referred all inquiries connected with the working and improvement of the civil law, embracing the great questions of evidence, judgment, political, commercial, and individual rights, police law, judicial organisation, and the codification of laws. The third section discusses all that relates to criminal jurisprudence, and is interested in the questions of the classification of crimes, the punishment and reformation of criminals, and the prevention of crime.

The second department is devoted to Education. It embraces all questions connected with the class and condition of persons to be educated from those who are sent to the Universities down to scholars in our ragged schools. It examines the various methods of education and the subjects taught, and endeavours to eliminate definite results for future guidance. The examination of the subject of special education adapted to various classes of the community is another valuable sphere of the activity of this department.

A third department embraces the consideration of all questions affecting the public health. This subject naturally divides itself into questions affecting individuals and those affecting communities. Although the latter is founded on the former, it is more especially to the questions affecting public health that this department addresses itself. The consideration of the rates of mortality in different parts and towns of a country, the causes of epidemic and endemic diseases, with the laws that regulate the development and decline of contagious diseases, and the effects of human occupations and domestic circumstances on health, are here studied.

The last department is that of Economy and Trade. To this department is referred all the great questions connected with the trade and commerce of civilised nations. The distribution of the products of industry, the nature of rent, money, wealth, capital, the principles of co-operation, banking, insurance, and



assurance, are dealt with here; also the questions of the employment of women and children, and the influence of social vices—as drunkenness and extravagance—on the welfare of the community.

Such have been some of the questions which the Social Science Association has discussed at its annual and sessional meetings for nine years. To ask the question what good has been done is almost an impertinence, where thousands of intelligent people, by their presence at the meetings of the Association, have testified to the value they set upon the proceedings. So many persons could hardly be collected together without a large quantity of the seeds of knowledge being sown, which would, in future unlooked-for occasions, bring forth an abundant harvest. In the pursuit of truth, however, and in a desire to disseminate a knowledge of sound principles of action, it is hardly necessary to inquire for results, as every one feels that earnest mental labour can never be expended in vain, however incapable individuals may be of discovering its results; the student of social science has indeed as much right to exclaim against the question *cui bono*, as the student of natural philosophy, and in the language of a distinguished living philosopher to say: “This question is one which the speculative philosopher who loves knowledge for its own sake, and enjoys, as a rational being should enjoy, the mere contemplation of harmonious and mutually dependent truths, can seldom hear without a sense of humiliation. He feels that there is a lofty and disinterested pleasure in his speculations which ought to exempt them from such questioning, communicating as they do to his own mind the purest happiness (after the exercise of the benevolent and moral feelings) of which human nature is susceptible, and tending to the injury of no one: he might surely allege *this* as a sufficient and direct reply to those who, having themselves little capacity and less relish for intellectual pursuits, are constantly repeating upon him this inquiry. But if he can bring himself to descend from this high but fair ground, and justify himself, his pursuits, and his pleasures, in the eyes of those around him, he has only to point to the history of all science, where speculations apparently the most unprofitable have almost invariably been those from which the greatest practical applications have emanated. What, for instance, could be apparently more unprofitable than



the dry speculations of the ancient geometers on the properties of the conic sections, or than the dreams of Kepler (as they would naturally appear to his contemporaries)? Yet these are the steps by which we have risen to a knowledge of the elliptic motions of the planets and the law of gravitation, with all its splendid theoretical consequences and its inestimable practical results.”\*

The same class of persons who object to Social Science now, were the objectors to the meetings of the Royal Society, when Hooke and Boyle astonished their delighted auditors with discoveries in optics and dynamics. They consistently laughed at and ridiculed the study of natural history in the person of Sir Joseph Banks and the Linnæan Society. The first meetings of the British Association for the Advancement of Science were persistently misreported and made sport of by men who were hired to do the work of misrepresenting what they could not understand. And now as science advances and deals with the acknowledgedly more difficult problems of social science, the same blind watchmen are set to answer the question of what good is being done by the Social Science Association. If there be one reason more urgent than another why the great social questions of our day should be treated from a scientific point of view, it is, that in large and influential circles of society the impression exists that there are no scientific methods of dealing with social phenomena.

We now commit our Journal to public opinion, not with the confidence of success, but with a determination to do all that lies within us to command the attention of those who are seeking; on the one hand, to instruct our people in the prime wisdom which consists in knowing that which lies before them in their daily life, and, on the other hand, to introduce to our Legislature those measures of amendment and reform which have for their object the protection of the rights and increasing the happiness of mankind.

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\* Sir John Herschel, “Discourse on the Study of Natural Philosophy.”

## NINTH ANNUAL MEETING OF THE NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

HELD AT SHEFFIELD ON THE 4TH OF OCTOBER, 1865.

**I**N the autumn of 1856, it was suggested by Mr. G. W. Hastings to Lord Brougham that he should take the lead in founding an association for affording to those engaged in all the various efforts now happily begun for the improvement of the people, an opportunity of considering social economics as a great whole. On the 29th of July, 1857, a private meeting was held at Lord Brougham's house in Grafton-street, to consider the best means of uniting together all those interested in social improvement. Forty-three persons were present, and resolutions were passed, affirming the necessity for a closer union among the supporters of the various efforts now being made for social advancement, and establishing the National Association for the Advancement of Social Science. The first meeting was held at Birmingham on the 12th of October, and four following days. Lord Brougham was President, and Mr. G. W. Hastings, Secretary. Lord John Russell presided over the department of Jurisprudence and Amendment of the Law. The Right Hon. Sir John Pakington was President of the department of Education. The Bishop of London presided over the department of Punishment and Reformation. Lord Stanley was President of the Health department; and Sir Benjamin C. Brodie presided over the department of Social Economy. Each president delivered an address, and a variety of valuable papers were read, which were embodied in a volume of Transactions, which was presented to every member of the Association. The meeting was a decided success, and laid securely the foundation of the future success of the Association. The second meeting was held at Liverpool. Lord John Russell then occupied the position of President, and the following were presidents of the departments:—1. The Right Hon. the Lord Chancellor of Ireland; 2. The Right Hon. W. Cowper, M.P.; 3. The Right Hon. the Earl of Carlisle, K.G.; 4. The Right Hon. the Earl of Shaftesbury; 5. The Right Hon. Sir James Stephen, K.C.B. During the year two societies had been formed in connexion with the Association—the Workhouse Visiting Society, and the Society for promoting the Industrial Employment of Women. The third meeting was held at Bradford in the year 1859, in the month of October, the Right Hon. the Earl of Shaftesbury having been President, and the following gentlemen Presidents

of Departments:—1. Vice-Chancellor Sir W. Page Wood; 2. Right Hon. C. B. Adderley, M.P.; R. Monckton Milnes, Esq., M.P.; 4. Right Hon. W. Cowper, M.P.; 5. Sir James Kay Shuttleworth, Bart. The following year the meeting was held at Glasgow, the Right Hon. Lord Brougham presiding. The Presidents of Departments were as follows: 1. The Lord Advocate; 2. Sir James C. Kay Shuttleworth, Bart.; 3. The Hon. Arthur Kinnaird, M.P.; 4. Viscount Ebrington; 5. Sir James Emerson Tennent. The great feature of this meeting was a working man's gathering, numbering 3500 persons, who were addressed by various members of the Association, Lord Brougham presiding. The fifth meeting was held at Dublin, Lord Brougham again having accepted the office of President, a post his lordship has filled at every subsequent meeting. The Presidents of Departments were:—1. The Right Hon. Joseph Napier; 2. Sir John Shaw Lefevre, K.C.B., F.R.S.; 3. The Attorney-General of Ireland; 4. The Right Hon. Lord Talbot de Malahide; 5. The Hon. Judge Longfield, LL.D. A sixth department of Trade and International Law having been established at the Glasgow meeting, M. Michael Chevallier, the distinguished French political economist, was made President. The Ladies' Sanitary Association held a meeting at Dublin as an affiliated branch of the parent Association.

In 1862 the Association held a meeting in London in the month of June. The opening meeting was held in Exeter Hall, and the Departments met in the Guildhall in the City. Sir Fitzroy Kelly presided over the first department, and the Very Rev. the Dean of St. Paul's, the Common Serjeant of London, Dr. Fairbairn, F.R.S., R. Monckton Milnes, Esq., M.P., and Travvers Twiss, Esq., Q.C., D.C.L., over the other departments. The most conspicuous feature of this meeting was a soirée of the members of the Association and their friends to the number of several thousands, held in the palace at Westminster, when Westminster Hall, St. Stephen's Hall, the House of Lords and Commons, and the corridors were thrown open, and a spectacle was presented, more especially in the Great Hall, illuminated for the occasion, which will probably never be forgotten by those who were present on the occasion. In 1863, the Association met at Edinburgh in the month of October. The Hon. Lord Curriehill, Nassau W. Senior, Esq., the Hon. Lord Neaves, Professor Christison, M.D., the Right Hon. Sir John McNeill, G.C.B., and the Hon. Judge Longfield, LL.D., were Presidents of Departments. This meeting was most successful, and the announcement was made of a project for uniting with the Association the Law Amendment Society, and thus procuring for the Association a permanent position in London, with facilities for holding special meetings during the intervals of



the annual meetings in London. This plan has since been carried out, and the Association has now in London a library, rooms, and all the conveniences for carrying out its objects during the whole year. The eighth meeting was held last year at York, in the month of September. According to the recommendations of a Committee of the Council, the Departments were permanently reduced to four: namely, Jurisprudence and the Amendment of the Law, to which the papers on Reformation and Criminal Law are now referred, and also International Law. Over this department the Right Hon. Sir James Wilde presided. The second department—Education—was presided over by the Archbishop of York. Sir Charles Hastings, M.D., was president of the third or Health Department, and Mr. Edwin Chadwick was president of that of Economy and Trade.

At the annual meeting at York no decision was come to by the Council of the Association as to its next place of meeting, but in the course of the year invitations were forwarded from Sheffield and Gloucester. The choice of the Council fell upon Sheffield, and more particularly for the reasons that Sheffield had hitherto been unvisited by any of the great locomotive Associations, and that its vast manufacturing population presented a favourable field for the introduction of those social principles the Association was formed to advance. A deputation from Sheffield, consisting of Messrs. J. A. Roebuck, M.P., Alderman Fisher, J.P., and Alderman George L. Saunders, urged the claims of Sheffield at one of the meetings of the Council of the Association in London.

No sooner was it known in Sheffield that the Association were willing to hold their next meeting in their town, than an Executive Committee, with local committees for each department, was formed. The following gentlemen acted on these committees.

#### EXECUTIVE COMMITTEE.

*Chairman*—THOMAS JESSOP, Esq., J.P., Mayor.

*Secretaries*—Rev. John Lettis Short, Dr. J. H. Aveling, Mr. Ald. George L. Saunders.

#### JURISPRUDENCE AND AMENDMENT OF THE LAW.

*Chairman*—THOMAS DUNN, Esq., J.P.

*Secretaries*—William Fretson, Esq., H. W. Ibbotson, Esq.

#### EDUCATION.

*Chairman*—ROBERT LEADER, Esq.

*Local Secretaries*—Robert Waterhouse, Esq., Rev. J. Lettis Short.

#### ECONOMY AND TRADE.

*Chairman*—Alderman ROBERT JACKSON, J.P.

*Secretaries*—Michael Hunter, Esq., Sam. Plimsoll, Esq., R. Eadon Leader, Esq., B.A.

#### HEALTH.

*Chairman*—Alderman WILLIAM FISHER, J.P.

*Secretaries*—J. D. Leader, Esq., Dr. Allan.

#### GENERAL PURPOSES.

*Chairman*—W. BAKER, Esq.

*Secretary*—W. Shepherdson, Esq.



The following places in the town of Sheffield were appropriated to the business of the Association.

*General Reception Room*—Banquet Room, Cutlers' Hall.—*Local Office*—Front Room, Cutlers' Hall.

*Jurisprudence and the Amendment of the Law*—Sections A and B in the Council Hall, Norfolk-street.

Section C (Reformatory) in the Church Institute, St. James's-street.

*Education*—In the Music Hall, Surrey-street.

*Health*—In the Mechanics' Hall, Surrey-street.

*Economy and Trade, with the Agriculture Section*—In the School of Art, Arundel-st.

The experience of the meeting showed that these rooms were ample for the accommodation of the Association. The president's addresses were delivered in the Music Hall, and one of the receptions was given in the same room, whilst the Alexandra Music Hall was made use of for the opening meeting, and the grand gathering of the working men.

The local press, which consists of two daily papers, the *Independent* and the *Telegraph*, and a weekly paper, the *Times*, did all that enlightened advocates of social science could for promoting the objects of the Association, and stirring up the people of Sheffield to a sense of the importance of the subjects that were to be discussed in their midst.

The following is the list of officers of the Association :

*President*—The Right Hon. Lord BROUGHAM.

*Vice-Presidents*—The Rt. Hon. Earl Fitzwilliam, K.G., the Rt. Hon. Lord Houghton, John A. Roebuck, Esq., Q.C., M.P., George Hadfield, Esq., M.P., the Viscount Milton, M.P., H. F. Beaumont, Esq., M.P., Thomas Jessop, J.P., Esq., Mayor, J. Brown, Esq., J.P., Master Cutler.

*General Secretary*—George W. Hastings, Esq.

*Treasurers*—W. Strickland Cookson, Esq., W. Hawes, Esq.

*Foreign Secretary*—John Westlake, Esq.

*Local Treasurer*—The Mayor, Thomas Jessop, Esq.

*Local Secretaries*—Rev. John Lettis Short, Dr. J. H. Aveling, Mr. Alderman George L. Saunders.

The meeting was inaugurated, as usual, by a special religious service, which was held in the parish church. The Rev. Canon Sale, D.D., rector of the parish, preached a sermon from the text, "Happy is that people that is in such a case, yea, happy is that people whose God is the Lord." Psalm cxliv. 15. The venerable president attended the service, and was enthusiastically cheered by the populace on coming away. At half-past four a meeting of the council was held. Lord Brougham presided. The secretary, Mr. W. G. Hastings, announced that he had received a telegraphic message announcing the serious illness of the Dean of Chichester, who was to have presided over the Education Department. Mr. Thomas Chambers, Q.C., M.P., Common Serjeant, was unanimously appointed in his place. Invitations were received from Manchester, Belfast, and Bristol.

The first general meeting of the members and associates was held in the Alexandra Music Hall, when Lord Brougham delivered the opening address. His lordship was received most enthusiastically by the audience. He was evidently deeply affected, and in his opening sentences spoke with much emotion whilst alluding to his old parliamentary connexion with Yorkshire. There were many there probably who could recollect his early career, who even remembered his noble defence of an injured woman, and his burning speeches in defence of human liberty, human progress, and human right; but we question if ever he presented himself before the public in a way more calculated to command their respect and admiration. At a period of life when most men, from physical infirmity, would have sought repose, he comes forth to deliver his ripe judgments on the great questions of the day, and to bear his testimony to the value of those discussions and inquiries which his own genius has done so much to render available for the amelioration of the misery of mankind, and its progress towards a happier future. At the commencement of his address, the noble lord alluded to the loss the country had sustained in the death of Richard Cobden. He also referred to the late Mr. Cassell, the publisher of cheap literature, and to Lord Carlisle, as members of the Association, whose loss all would deplore. He then alluded to a variety of passing subjects, to the Decrease of Party Spirit at Elections, to Bribery and Corruption, to Parliamentary Reform, to Private Vote in Parliament, to the Principle of Co-operation, to University Examinations for Females, to Education in Ireland, Help for Sempstresses, to the School Commission, to the Necessity for a Digest of the Law, to the Law of Evidence, to the Bankrupt Law, the Concentration of the Law Courts, to the Patent Law, to Capital Punishment, the Irish Law Courts, the Reformatory System, the Early Closing Movement, the Approach of Cholera, to the Post-Office Savings Banks, and other events of the year occurring in our country. Turning to foreign affairs, he alluded to the Prospect of Emancipation in Cuba, to the Danish Question, the End of the American War, to the French Provisional Government, to the Brussels Association, and thus finished one of the most eloquent and comprehensive of his annual addresses to the Association :

“We are pleased to contemplate the flowers in their raiment surpassing all the glories of Solomon. To examine the animal creation in its endless variety of instincts, each adapted wondrously to accomplishing its purpose; to observe the members of the human family, the capacity of individuals to unfold the order of the universe, and subdue to our use the elements, and light, and electricity. But the social aptitudes of man are yet more worthy of our study, and the communities which

he forms, and which are the especial objects of the Divine care.\* Social science, then, has pre-eminently claims to our regard, and promoting it is our highest duty to our Heavenly Father. That duty we delight to perform, rejoicing to be the instruments of His justice and mercy, and devoutly thankful to His goodness, which makes what He commands a pleasure to obey."

Earl Fitzwilliam proposed a vote of thanks to his lordship, which was seconded by Thomas Jessop, Esq., the Mayor of Sheffield, and supported by George Hadfield, Esq., one of the members for the borough of Sheffield.

On Thursday morning the business of the sections commenced. It is the custom of the Association that each president of a department should deliver an address to the whole of the Association an hour before the opening of the various departments. These addresses were this year delivered in the Music Hall. At half-past ten o'clock precisely, Lord Brougham appeared on the platform, accompanied by Sir R. J. Phillimore, D.C.L., Her Majesty's Advocate-General, who had been appointed president of the First Department, that of Jurisprudence and the Amendment of the Law. The following introductory remarks from the address will give some idea of the substance of it:

"The title of the department over which I have the honour on this occasion to preside, seems to have been chosen with care. The province of jurisprudence alone has been a subject of much dispute among institutional writers. Writers of eminence have confined it to the consideration how the existing law of a particular state may be brought into most effectual operation; but without entering into the inquiry whether this opinion be even etymologically correct, at all events the title, "Jurisprudence and Amendment of Law," presents to the jurist a subject of deeper thought and wider grasp, extending his office beyond the investigation of the historical fact of mere instituted law to the further inquiry as to the relation which such law bears to the whole system of which it is a part, to the consideration not only of what is, but what ought to be law, to the examination of the *legum leges* leading him to contemplate the law, not as an isolated subject of a special science, but as one appertaining to the domain of philosophy. Philosophy, worthy of the name, requires for its operation the facts which jurisprudence supplies. Jurisprudence requires the aid of philosophy to marshal and generalise the materials so supplied. For law must be in a state of continual progress and development, adapting itself to the varying and manifold necessities of civilised man. No line of demarcation ought to be drawn between the theoretical and practical jurist.

\* Nihil est illi principi Deo, qui omnen hunc mundum, regit, quod quidam in terris fiat, acceptius, quam concilia, cætusque hominum, jura sociati, quæ civitates appellantur: harum rec ores, et conservatores hinc profecti, huc revertunter.—CIC., *Somnium Scipionis*.



Theory, without a treasury of facts, is an idle pastime. Practice, without a knowledge of principles, is a blind mechanism. It is because law must be in a state of progress that it continually presents two aspects to the jurist, accordingly as he considers it as a history of facts or as a system of principles. In the latter point of view the relation of each part to the whole is to be considered, and it is then seen that law is not a mere aggregate of legal propositions, but an orderly distribution of them, in proper subordination to a central principle. Among the prominent advantages of meetings like the present are—First: The opportunity which they afford for free discussion, undisturbed by any political elements, attended at the same time by a recollection of the severe scrutiny to which the opinions expressed during its sittings are certain to be exposed; not only at the time, by those who take part in their discussion, but hereafter, and generally by competent persons, whose attention to the subject is more attracted than it otherwise would be by the publicity of these proceedings. Secondly: The international character of the meeting having for its immediate object to obtain, by comparison of the laws of foreign countries, and by the experience of foreign jurists, information upon the deficiencies of English law, and on the possibility of applying remedies to them; having for its more distant object, perhaps, the hastening of that day foretold by the great orator and statesman of antiquity—when a general observance of the same principles of law upon the chief subjects affecting the wants and interests of humanity shall help to bind together the nations of the earth in the bonds of unbroken peace. And here I cannot help averting with great satisfaction to one feature in the American civil war now happily closed. The belligerent rights of the United States came into frequent conflict, or, I would rather say, frequent contact, with the neutral rights of other States, especially those of Great Britain. But a code of international law existed which England had enforced when belligerent, and to which she cheerfully and at once submitted when neutral. The United States Prize Court has applied—I speak generally—with good faith and much judicial ability the principles of the *jus inter gentes* to the particular cases which were brought before it, and the peace of the world has been preserved, which, had no such law been recognised, would have been probably exchanged for a long and bloody war. The excellent papers of Sir John Wilde and Mr. Reilly are, in truth, both due to this Association, and most valuable contributions they are, not only to our juridical literature, but to the real progress of legal reform. They deal with the very important questions of a digest and a code. The more these subjects are examined the better. Through discussion, written and oral, true principles upon this as upon other departments of science will fight their way through the many difficulties which obstruct their progress. I venture, therefore, at the risk of being censured for travelling again over ground already so ably trodden, to take advantage of this occasion to express the reasons which have had weight with my mind upon these subjects. I suppose that the number who think the present system of jurisprudence and legislation in England incapable of great improvement, is very limited.

There cannot surely be many educated persons who think that it is an *a priori* desirable state of things, that the law of a country, teeming with wealth and population, should be scattered over thousands of volumes of reports and more thousands of statutes; or that a fiction of the continual existence of an unwritten law applicable to all our wants, ought to conceal the fact that no such law ever did exist. Mr. Mayne indeed points out, in his admirable work on ancient law, the good service such fiction has done in its time; in fact, that by recourse to it, English judges were enabled to avoid administering injustice. The same remark applies to the separate system of equity—both have practically been the means, however circuitous, of giving reality and life to the moral conceptions of the people. It cannot surely be reasonably contended that a proposition of law which can be clearly stated in a judgment of court or a statute cannot be as clearly stated in a clause of a code. Great accuracy and precision of language are requisite certainly, but equally for both—both will be equally subject to criticism and investigation in whatever case requires their application. The objection, therefore, that a code would deprive us of the advantage we derive from the application of principles supposed to be *in gremio judicis* ready for all circumstances, is really good for nothing. We know that this is not the fact; we know that the judge, in the absence of a direct precedent, recorded in a judgment, or stated in some work of received authority, has recourse to reasoning from the analogy of decided cases, and not to any repository of jurisprudence; and that if the reasoning from analogy fail, the judge cannot supply the want, which he acknowledges and deplures, but must have recourse to the Legislature. In such cases, therefore, until the remedial statutes be enacted, justice cannot be done. In a very recent case—worthy of attention upon many grounds, the question being whether the prosecutor might call witnesses to rebut the evidence of good character given by the prisoner—a point, most strange to say, never before decided, one of the judges is reported to have expressed himself to the following effect:—‘The doubt on my mind is this: the law of England is the law of practice and precedent; what has been the practice for years constitutes the law; and when precedent or practice is found to be wrong, the Legislature sets it right.’ I venture to think that a code is the goal to the ultimate attainment of which our exertions should be directed. A digest, indeed, must necessarily precede, but it cannot be a substitute for a code. A digest is the collection of materials out of which the house is to be built; but it is from their subservience to this end that they are really valuable. A digest of English law alone is truly an arduous task, but the contributions to it are already many and rich, though they are widely scattered and leave much unprepared. A digest of cases, both at common law and equity, under proper heads—and such we have—lightens the labour of the jurist who prepares the digest of principles; his labour is still further aided by the publication of leading cases, round which are grouped what ought to be legitimate children of the parent principles enunciated in the first case; still further by treatises of acknowledged merit upon particular branches of

the law, such as Abbot on shipping, or the treatises of Lord St. Leonards, which always exhaust their subject. The separate jurisdictions of law and equity in this kingdom are often said to present an insuperable obstacle to a code. But if this separation be proved by discussion and reasoning to be evil on this as well as on other accounts; if that enlightened public opinion which is naturally and invariably in advance of existing law demands the fusion of the two systems, who can doubt that this fusion is only a question of time—that it is as certain as the triumph of any other sound principle relating to social progress in this free country. Meanwhile, a proper digest at the present time would show how the principles and practices of common law are checked, or modified, or aided by the Court of Equity, and the road would be paved to amalgamation. Then, as to the digest of the Statute Law. Every act which on a particular subject repeals all existing enactments, and embodies in itself whatever has been found useful in them, supplying whatever defects judicial decisions or the course of events have exposed in them, and adding whatever social necessities seem now to require, or whatever is good in foreign jurisprudence upon the same subject—such a statute as the Merchant Shipping Act, for instance—is a little code in itself on the particular subject. The same course—Mr. Greaves points out in his introduction to the Criminal Law and Consolidation Act—might be pursued with regard to the law of landlord and tenant, and the remark applies to many other subjects. But might not the digest of which I have such exalted notions still further extend its usefulness, and perform its functions as the precursor of a code? Might not the propositions of law taken from these sources be accompanied by a statement of the propositions contained in the Roman *corpus juris civilis*, upon the same subject? Why is this rich mine to be left unworked? There is no doubt that the Roman law was introduced into England at a very early period. The Ecclesiastical Court kept alive the spark (to use an Homeric expression) of that noble jurisprudence. The Ecclesiastical Chancellors of the Court of Equity founded their system upon it, and many maxims from it, supposed to be of English origin, were strictly taken from it by Judges of the Common Law. But various causes, too long now to dwell upon, prevented the introduction of that carefully matured and most refined system (which Leibnitz pronounced to have approached mathematical perfection in the accuracy of its rules for the conduct of men in the affairs of civil life) into the general jurisprudence of England—but in the absence of these causes it took early and deep root in the Continental States. On the European continent law anticipated the usual stages by which it naturally arrives at maturity. If you analyse the process by which a system of law is built up in any country, you find that the moral conception of right and wrong—‘between the whole endless jar (Shakspeare so well says) justice resides’—is first implanted in the individual, is further extended by the authority of the head of the family; it appears next in the usage of the tribe, and then the circle widens till it becomes the rule which governs the conduct of the whole community. It is in this last stage that law becomes the subject of philosophical treatment.”



In closing his address the learned orator said,

“Let me, in conclusion, state that it has not been permitted to many, as it has been to our illustrious president, to witness the reaping of the harvest sprung from the grain which his own hand scattered over what appeared very unpromising ground. But let no man who contributes once an honest endeavour to the melioration of the law, be disheartened by the present rejection of his proposal. ‘Nitor in adversum’ must be the motto of all reformers. The seed which he sows may lie long in earth before it ripens. It may be that, like Romilly, Mackintosh, and Grenville, he will never behold the fruit of his labour. The outward perishes, but the thought which he has uttered for the benefit of his fellow-citizens survives, the lamp which he has kindled is not extinguished, but passed on to other hands for the future welfare of mankind, and perhaps there are not many reflections more soothing to the close of life than the recollection that you have used the talent which God has given you in the endeavour, however humble, to improve upon earth the administration of that justice which is only perfect in heaven.”

After this address the various Departments met.

*First Department*—Jurisprudence and the Amendment of the Law.

*President*—Sir R. J. PHILLIMORE, D.C.L., Her Majesty's Advocate-General.

*Vice-Presidents*—W. T. S. Daniel, Esq., Q.C., Wm. Forsyth, Esq., Q.C., M.P., T. S. Eastwood, Esq., Thomas Dunn, Esq., J.P.

*Secretaries*—H. D. Jencken, Esq., G. Harry Palmer, Esq., A. J. Williams, Esq.

*Local Secretaries*—William Fretson, Esq., H. Walter Ibbotson, Esq.

The Departments were divided into three sections: A, International Law, which met in the Old Bankruptcy Court in the Council Hall, and over this section the President of the Department presided. The special question was—“Is it desirable to establish a uniform international law of freight, and if so, on what principles?” Letters were read from several gentlemen, who had been expected to attend, but were unable to be present. Lord Stanley wrote, under date of August 20 :

“I regret to say that earlier engagements will put it quite out of my power to attend. I would gladly have done so, if able, though the subject is one of so technical a character that my opinion could hardly have been of great value. I entirely agree with you in thinking that the attainment of at least approximate uniformity in the mercantile law of Europe is a most desirable object, and wish that my exertions could be of more use in bringing it about.” Messrs. Theodore C. Engels and Edouard Van Peborgh, the representatives of the Belgian Government at the York Conference, were present. Amongst the gentlemen who took part in the discussion were Mr. Wendt, Mr. Rathbone, President of the Liverpool Chamber of Commerce; Mr. Mark Whitwell, of the Bristol Chamber; Mr. E. Power, of the

Gloucester Chamber; Mr. E. Smith, Fir Vale; Messrs. Hudson and Candlish, of the Sunderland Shipowners' Society; and A. Waddilove, Esq., D.C.L. A *projet de loi* had been submitted to the Congress for consideration, and several of the clauses were discussed at great length, the result being the almost entire reconstruction of two or three. The general opinion seemed to be in favour of a uniform law of freight, which would simplify the transactions between the merchant and the ship-owner in contracts for the carrying of cargo. A number of resolutions were adopted with the view of putting in a tangible form the opinions of the practical men in this country and on the Continent, who have considered the matter. It may be stated that at the York Congress a section met for several days to discuss the question of international general average, with a view to future legislation. A bill for general average has not yet been brought into Parliament, for the reason that the Government are in communication with the French Government, with a view to a simultaneous action.

Section B, Municipal Law, met in the Council Hall, and was presided over by Lord Brougham. The special question proposed for discussion in this section was "Upon what principle should the Bankrupt Law of England be amended?" Mr. Moffatt opened the question, and concluded as follows: "It should be made the interest, as it is the duty, of every insolvent promptly to declare such insolvency. But so long as the law countenances and encourages all the immoralities arising from concealment, it can scarcely be expected that parties becoming insolvent should adopt a higher tone of morality than the law by which their insolvency is to be regulated. The law as it stands declares that the insolvent shall, at any and every time, be able to compel an acquittance in full—no matter how small the dividend or how diminished the assets; and this operates as a direct incentive to the debtor to suppress the fact of insolvency until the bulk of the creditors' assets are exhausted. And further, that insolvents' after-acquired property will be secure from any claim. While such is the law it appears to be vain to hope for the adoption of the honest and simple course of a prompt declaration of insolvency, that would effectually prevent any frequent applications to any court of bankruptcy. Nor does there appear to be much force in the objection that may be raised to the re-establishment of the right of unsatisfied creditors to be paid out of after-acquired property, inasmuch as such claims would always stand at the back of subsequently acquired engagements, and, although the onus of proof of inability to pay would, of course, rest with the debtor, yet it would not be difficult to prevent such claims

becoming oppressive by giving power to the judge to grant costs against the claimant, if there shall not appear to have been reasonable ground for attempting to enforce the payment. The course of legislation for the last half century has been gradually to remit the pains and penalties of the debtor—by the act of 1861 these were all practically abolished; but the pains and penalties on the creditor are continued so long as he is compelled to acquit without satisfaction in full; and any legislation that removes that anomaly and injustice will doubtless have a highly beneficial effect upon the commercial and trading interests of the country.

The President, Mr. Hadfield, M.P., Mr. W. Hawes, Dr. Pankhurst, Mr. Grindley, Mr. Cox, Recorder of Falmouth, Mr. Hastings, Mr. Robert Wilson, C. W. Ryales, LL.B., Mr. Bis-sington, and Mr. Bathgate, took part in the discussion, which was of a very animated and earnest kind.

Section C, Criminal Law, met in the Lecture Hall of the Church Institute, and was presided over by W. Forsyth, Esq., M.P. The special question proposed for discussion on the first day was, "Is it desirable to establish reformatories for adult criminals?" The Rev. W. L. Clay opened the question by a paper—"On Recent Improvements in our System for the Punishment and Reformation of Adult Criminals." Mr. T. B. L. Baker read a paper on the special question, and concluded by maintaining the following propositions. Firstly: That adult reformatories, or houses of correction, would render our gaols more deterrent than they now are, and would themselves deter by the greater length of their detention. Secondly: They would send the prisoners back to society so much better fitted for work, that there would be less danger of relapse. Thirdly: They would, by their surveillance, physically incapacitate a man from a course of crime, for a far longer period than the gaol. Fourthly: They would cost far less to the honest ratepayer. And lastly: The experiment may be tried with good hope (not to say certainty) of success, without cost or risk to the state. The discussion was opened by Mr. Saunders, Recorder of Bath, and continued by Mr. Craig, Mr. Teulon, Mr. Unwin, Mr. Darbyshire, Mr. A. O. Charles, Miss Carpenter, and Captain Shepherd.

A paper was read by Mr. A. O. Charles, contributed by the Rev. Thomas Hutton, Rector of Melton, "On some Prison Statistics, with Notes and Observations on the Causes of Crime."



*Second Department—Education.**President*—The Very Rev. the Dean of CHICHESTER.*Vice-Presidents*—Rev. Canon Sale, D.D., E. Carlton Tufnell, Esq., R. Leader, Esq.*Secretaries*—J. R. Fowler, Esq., Birkbeck Hill, Esq., Rev. Nash Stephenson, M.A.*Local Secretaries*—Robert Waterhouse, Esq., Rev. J. Lettis Short.

This Department met in the Music Hall, and was presided over by Thomas Chambers, Esq., Q.C., M.P. As several papers were announced on the question, "What better provision ought to be made for the education of girls of the middle classes?" this department was remarkably well attended. The Rev. Nash Stephenson, M.A., commenced the proceedings by reading a report of what had been done in the Department during the past year. The same gentleman then read a paper by the Rev. F. D. Maurice, of London, "On the Education of Girls." Two other papers were read on the same subject, the one from Miss Mary Wolstenholme, the other from Miss Dorothea Beale. In the discussion which followed, Dr. W. B. Hodgson, Mr. Gillespie, Professor Hancock, of Belfast, Mr. Freeland, Mr. G. W. Hastings, and Manockjee Cursetjee, the distinguished Parsee, took part. The tone of the discussion was altogether in favour of a broader and more extended education for girls. Several of the speakers altogether repudiated the notion that there was any appreciable difference between the intellectual qualities of men and women, and regarded the present system of giving girls an altogether different education to boys as essentially vicious.

*Third Department—Health.**President*—EDWIN LANKESTER, Esq., M.D., F.R.S.*Vice-Presidents*—Geo. Godwin, Esq., F.R.S., Ald. W. Fisher, J.P., H. Jackson, Esq.*Secretaries*—William Hardwicke, Esq., M.D., Robert Rawlinson, Esq., C.E.*Local Secretaries*—J. Daniel Leader, Esq., Dr. Allan.

This Department met in the Lecture Room of the Mechanics' Hall. The special question for the day was, "In what way can the unnecessary exposure of workmen to danger of life or health be best avoided, especially in collieries, mines, and manufactories?" Mr. Philip H. Holland, Government Inspector of Mines, read a paper on this question. With regard to colliery accidents, the author showed most clearly that they had been clearly reduced by the passing of the Colliery Act. Much might yet be done by throwing on the masters the responsibility of keeping coal mines in order. He said it was well known that coal mining was dangerous, but it was not so well known that metal mining was far more fatal. The coal miners were killed by accidents, but the metal miners were killed by disease, apparently natural, but really produced by their occupation. Fifty-six per cent. of the miners of Cornwall die of lung disease, brought on by working in badly-ventilated, dusty, and deep

mines. This disease was not caused by the climate, nor any other of the circumstances peculiar to the district, for men who did not work in such mines were quite healthy. Between the ages of thirty-five and forty-five, three times as many metal miners are killed by lung disease as are killed by explosion among colliers. Above the age of forty-five, the proportion is fourteen times as many metal miners as colliers. These facts, he thought, deserved most careful attention. By the act of legislation much had been done to diminish the danger of a collier's life, and yet nothing at all had been done for metal miners. He strongly urged the necessity for immediate action on the part of the Government.

Dr. J. C. Hale read a paper on the effect of certain Sheffield Trades on Life and Health. He said:—"At the last census the population of Sheffield was 185,157, being an increase in ten years of 49,874. The present population of Sheffield is more than 200,000. The number of houses at present is 53,563, and of these, 49,663 are inhabited, and 3900 uninhabited. The last return made to the Town-Clerk showed the rateable value of the property in the borough to be 498,641*l.* 7*s.* 4*d.* In the ten years ending 1860, the death rate was 28 per 1000; in 1863, 34 per 1000; in 1864, 34 per 1000; and for the first six months of the present year we find it at the rate of 32 per 1000. The manufactures of Sheffield are cutlery—knives, scissors, razors, files, edge-tools, joiners' tools, engineer's tools, scythes, sickles, shears, saws, circular saws, steel, railway springs and rails, buffers, anvils, vices, steam-hammers, boilers, engines, stove grates, fenders, fire-irons, silver, silver-plated, Britannia metal goods, &c.; to which must be added the more recently introduced manufacture of armour plates, guns, and steel shot."

The author referred then in detail to diseases occurring amongst the workmen of Sheffield employed in lead works, in the manufacture of files, and the different classes of grinders. He then gave a special account of the disease known as the "grinders' asthma," and showed that this disease more particularly occurred in dry grinding. He referred to a class of grinders whose average age at death was only twenty-eight years. He also pointed out the destructive effects on life, of employing children eight or nine years of age in grinding mills. He stated his conviction, that by precaution on the part of those who worked in lead, and by the use of an instrument called a fan in grinding, much of the disease and death among grinders might be prevented.

The meeting was addressed by Mr. Edward Smith, formerly an employer in Sheffield; Mr. John Wilson, a blade-grinder; Mr. M'Adam, Mr. Lupton, Mr. Rawlinson, C.E., and the President.

*Fourth Department—Economy and Trade.*

*President—EDWIN CHADWICK, Esq., C.B.*

*Vice-Presidents—Edward Holland, Esq., M.P., Thomas Hughes, Esq., M.P., G. J. Shaw Lefevre, Esq., M.P., Alderman Robert Jackson, J.P.*

*Secretaries—Andrew Edgar, Esq., Richard Pankhurst, Esq., LL.D., Professor Wilson.*

*Local Secretaries—Michael Hunter, Esq., S. Plimsoll, Esq., R. E. Leader, Esq., B.A.*

The meetings of this section were held in the large room of the School of Art. Mr. Edgar read the report of the committee. The special question of the day was—"What are the best means of establishing a system of authoritative arbitration between employers and employed in case of strikes and lock-outs?" In the absence of Mr. Thomas Hughes, who was to have opened the question, Mr. John Wilson, penblade-grinder, of Sheffield, read a paper "On Trades' Unions, Strikes, Lock-outs, and Courts of Conciliation." Mr. Dronfield, a compositor, and Secretary to the Association of Organised Trades in Sheffield, read a paper "On Trades' Unions." A long and interesting discussion followed, in which Professor Fawcett, the Rev. W. Charing, Mr. Fisher, Mr. David Chadwick, Mr. George Godwin, Mr. Steindorft, Mr. Alderman Jackson of Sheffield, Mr. Forster, Mr. Hughes, M.P., and the President took part.

Professor Fawcett said he believed the time would come when strikes would cease by an improvement in the economic relations between employers and employed. The production of wealth required a joint effort on the part of capital and labour; and if that work was to be efficiently done, the people who made that joint effort should be connected and brought together by some other feeling than mere pecuniary interest. He believed that this would gradually dawn upon both employers and employed; and he hoped the day was not far distant when every labourer in this country would become attached to his employer by being allowed to participate in his prosperity. Mr. Fawcett instanced the successful experiment which had been made in this way by a Paris baker, with whose case they would be familiar. He looked forward with hope to this as being the industrial future of the country. He was quite sure that as long as there were no relations between employer and employed but those of a pecuniary bargain, they would have unfortunate disputes such as gave rise to strikes, which inflicted such heavy losses upon all concerned.

Mr. Hughes said he felt as much as any one in that room, that there was much in connexion with trades' unions that was deplorable, and which all of them must thoroughly disapprove of. At the same time, however, in the present state of the industrial relations between masters and men, he thought it was absolutely necessary for the protection of the men engaged in



any trade that they should combine together to enable themselves to get a fair price for their labour. He did not think, on looking at the facts as they were placed before them, that there was much in the objection to trades' unions that interfered with the individual liberty of the subject; and as to the charge of coercion, that might be so in exceptional cases, but he did not think it was very prevalent.

In the evening a great meeting of working men took place in the Alexandra Music Hall, which was crammed to the very top, thousands having been unable to gain admission. Lord Brougham presided, and the meeting was addressed by Mr. Thomas Chambers, M.P., Dr. Lankester, Mr. George Godwin, Mr. Thomas Hughes, M.P., Professor Fawcett, M.P., Mr. John Wilson, grinder, and Mr. Henry Turner, file-maker.

On Friday morning the business of the Association commenced by an address from Mr. Thomas Chambers, Q.C., M.P., as President of the Department of Education. After the address had been delivered, Mr. Manockjee Cursetjee addressed the meeting at great length on the subject of education in India. He more especially spoke of the education of females, and stated a few years ago that women were not educated at all in India, but that the prejudices against the practice were diminishing, and an anxiety was displayed in many families to have their girls educated.

In the Second Section of the First Department, W. Forsyth, Esq., Q.C., M.P., presided. The special question for the day was, "Is it expedient to remove any and what of the various restrictions on the administration of evidence in civil and criminal cases?" The subject was introduced by a paper from Dr. Alfred Waddilove, and followed by another by Mr. G. J. Holyoake. The discussion was continued by Mr. E. W. Cox, the Recorder of Falmouth; Mr. Robert Wilson; Mr. G. R. Tennent; Mr. Saunders, the Recorder of Bath; Mr. G. Harry Palmer; Mr. Teulon; Mr. Roper; Mr. T. Dunn.

The Chairman said he was in favour of Dr. Waddilove's plan, and considered the burden of proof lay on those who wished to exclude any evidence whatever which might tend to ascertain truth. The principle had been already admitted by the abolition of restrictive Acts, by which people who had any pecuniary interest in a case, &c., could not be examined. He thought the exclusion of the evidence of the interested parties in breach of promise cases a gross anomaly, but thought there should be a promise in writing. He thought corroboration necessary also, but showed that it would always be easy to get corroboration of some kind. In the case of the Divorce Court, he thought the evidence of the interested parties should be admitted, but not be compulsory. He was in favour of the admission of the evidence of

prisoners, because he thought the law had not only to protect the innocent but punish the guilty. He thought the inquiry should be confined to the *res gesta*, and not include investigation into the previous character of the prisoner. He also touched upon Mr. Holyoake's paper, for which, he said, he could not find words strong enough to express his dissent, both as to the matter, and manner in which it treated the subject. Mr. Holyoake had confounded almost throughout his paper the rule of law by which a total atheist was excluded from evidence, with the rule by which a man of religious scruples was allowed to dispense with an oath. He should be very sorry, indeed, to have his liberty depending on the evidence of a man who had no religious belief whatever.

In the Third Section of the Law Department, the special question of the day was, "Does the present administration of the Poor Law create any obstacles to the reform of criminals and the repression of crime? And if so, how could such obstacles be removed?" The first paper relating to this subject was read by Mr. Frederick Hill. A second paper was read by Mr. T. B. L. Baker.

Mr. Hastings said the subject under discussion was one of the most important that could occupy the attention of the section. He thought the present system was very defective. He then pointed to the great good which had been done for Ireland by a judicious severity in dealing with vagrants. With regard to the vagrancy of London, he thought the police in London did not do their duty as they ought to do. He not only thought that the police did not do their duty, but he thought there was a great reluctance on the part of the magistrates to discharge their duties. Of late years magistrates had shown great reluctance to carry out legislative enactments passed for the suppression of vagrancy. No reproach could be cast upon them in the discharge of their ordinary work. In conclusion, he said he should be glad to see the practice of begging extirpated entirely, and steps be taken to abolish vagrancy from the country. It could be done by a proper system. They ought also to get rid of a class of juvenile vagrants who infest our streets, and who were really the spring from whence the vagrant class originated. In the abolition of this they might see the abolition of a great amount of crime throughout the country.

Miss Carpenter read a paper "On the Consolidation of the Reformatory Schools' Acts and also of the Industrial Schools' Acts." She remarked that though the first Reformatory Schools' Act had been experimental, yet that the principle on which it was founded had worked admirably, and that very few alterations were now required when that was consolidated with the succes-

sive Acts. She quoted a striking testimony to the value of Reformatory Schools, given by Colonel Henderson in the last report on convict prisons. He states, that though there were 536 juvenile convicts in Parkhurst prison in 1854, that prison for boys had now been given up as unnecessary under the influence of the Reformatory Act, and only fifteen juvenile convicts were received into convict prisons last year. Colonel Henderson congratulates the country on this result, because, he says, "familiarity at that early age with the final resource of punishment must have a lasting and evil result." Miss Carpenter explained the object of the Industrial Schools' Act, which is to rescue young persons who are falling into crime before they have received the prison brand. These Acts have worked admirably wherever they have been fully carried out, but schools certified under them have not yet been extensively established. There could be no doubt, she said, that when a permanent Act was passed, as was anticipated in the next session, the success which had already attended these schools would lead to their adoption throughout the country. Then, it was hoped that a short Act would be passed rendering it illegal to send any young person under the age of twelve or fourteen to prison, except as a preliminary to a Reformatory. Doing so, as at present, inflicted on a child of tender years a brand for life.

Mr. Foster and Captain Shepherd took part in the discussion.

Mr. R. J. Gainsford read a paper "On Reformatory Schools, and especially on the North of England Catholic Girls' Reformatory School at Howard Hill, near Sheffield."

In the Department of Education the question of the day was, "What further regulations of the labour of children are required to promote their education?" Papers were read on this question by Mr. Carlton Tuffnell, Mr. John Wilson, and Mr. Craig. Mr. Bracebridge, the Rev. Canon Sale, D.D., the Rev. W. Wilkinson, Mr. Edwin Chadwick, C.B., Professor Hancock, the Rev. H. Sandford, Inspector of Schools, Professor Fawcett, Mr. M'Donald, and Dr. Hall took part in the discussion, which terminated by the adoption of the following resolution, proposed by Mr. E. Chadwick: "That in the opinion of this section the most practicable way of carrying out the recommendations of the Children's Employment Commission would be to enable the Privy Council to extend the factory legislation to different trades where women and young persons under eighteen are employed, with such appropriate regulations as may be suited to each trade. That the rate of mortality in every trade where there is alleged excessive mortality should be calculated for each large town and district by the Registrar-General, and published."

In the Third Department, Lord Brougham took the chair,



The question for the day was, "What are the best means of preventing contagious diseases?"

Dr. Lankester opened the discussion in this department by some general remarks on the nature of contagious diseases, and the means of their prevention. He regarded small-pox as the type of all contagious diseases. He believed, reasoning by analogy, that typhus fever, typhoid fever, scarlet fever, measles, whooping-cough, and cholera, were all contagious diseases. He then drew attention to the three great factors of all contagious diseases: 1, the poison; 2, a medium of conveyance; 3, a predisposed person. Under the first head, he showed that the poison of all contagious diseases was manufactured in the blood, probably through the vital agency of the white blood cells. He dwelt upon the question of the growth and multiplication of the poison externally to the body, also on the probable change in the nature of the poison by a process of development. Under the head of means of conveying contagion, he drew attention to the conditions of the atmosphere, to water, and to *fomites*, as animal and vegetable fibres and human excreta. He thought the study of the subject of predisposition of the utmost importance. There was no doubt that exposure to impure air, the drinking impure water, bad food, cold and drunkenness, were the great causes of predisposition to all contagious diseases, at the same time each contagion has its peculiarities, and demands study. He finished by insisting that all remedies for these diseases must include the destruction of the *poison*, as well as the *predisposition* to take it.

Lord Brougham said he thought one conclusion was obvious, namely, that the leaning ought to be in favour of treating doubtful diseases as contagious, because no harm could be done by that, but much harm might be done by treating diseases as non-contagious which were really contagious.

A discussion followed, in which Mr. P. H. Holland, Mr. G. Godwin, Mr. Alderman Saunders, Mr. Edward Smith, Dr. Griffiths of Sheffield, Dr. J. C. Hall, and Dr. M'Adam took part. In the course of his remarks, Mr. Saunders defended the town of Sheffield from the reproaches which had been cast upon it, and argued that, do what you would, there would always be a class who lived in filth and squalor, and ran up the death rate of large towns. Mr. Godwin quoted from Lydgate, the monk of Bury St. Edmund's in 1380, the following lines, which he thought very appropriate:

"By archis stronge, his cours for to reflecte,  
Thorough condyte pypis large and wyde withal,  
By certeyne means artyficiall  
That it made a ful purgacion,

Of al odure and fylthes in the toun,  
 Wasshyng the stretes as they stode arowe,  
 And the gutters in the erthe lowe,  
 That in the citie was no fylthe sene,  
 For the canell scoured was so clene,  
 And denoyded into secrete wyse,  
 That no man myght espe nor deuyse  
 By what engyne the fylthes fey nor nere,  
 Were borne away by course of the ryvere.  
 So couertly every thyng was couered,  
 Whereby the towne was utterly assured  
 From endengerynge of all corrupcion,  
 From wycked ayre and from inflexion."

Two papers were afterwards read on Cholera, one by Mr. Henry Jackson, of Sheffield, on the Precautions taken against Cholera by the Sanitary Committee in Sheffield in 1849. The second paper was by Dr. P. O'Callaghan, formerly surgeon in the 11th Hussars, entitled "Hints on the threatened Invasion of Cholera." The author suggested two great remedial agents; first, the removal of all cases of cholera to properly constructed hospitals; second, the treatment of the premonitory stage at once, and without delay, with opium.

In the discussion, Dr. Hodgkin, of London, gave an interesting account of his experience of the disease in London. He believed cholera arose from an atmospheric poison, not generated in the human body, and that this poison especially developed itself in the neighbourhood of newly turned-up soil, which was composed of animal and vegetable debris. He gave instances of disease occurring in the neighbourhood of newly-opened sewers, churchyards, and other places of the same kind.

Dr. Griffiths confirmed Mr. O'Callaghan's statement that persons who slept on the floor were more liable to cholera than those who slept in high beds, thus leading to the suggestion that the poison of cholera was one that was dense, and crept along floors and low places.

Dr. Stewart and Mr. Greening also took part in the discussion.

In the Fourth Department, Mr. Holland, M.P., the President of the Agricultural Section, took the chair. The question proposed for discussion was, "Can the principles of co-operation be profitably applied to production, and, if so, under what conditions?" Before this question was discussed, Mr. Thomas Hughes, M.P., requested to be permitted to say a few words on the question of trades' unions. He then more pointedly put the question to which he had referred at the great meeting the night before, with regard to the charges of coercion and terrorism practised by the men of Sheffield.

Mr. W. Broadhead, saw grinder, Secretary to the Saw Grinders' Union, and Treasurer to the Associated Trades of Sheffield, said that he was taken by surprise on the previous evening when he heard the statements made by Mr. Hughes, relative to the obnoxious rules and regulations of trade societies in Sheffield, and to the outrages which had taken place. As to the former, he was totally ignorant of them. He never heard of such rules or regulations as being those of any of the societies of Sheffield. So far as that statement went, he should feel extremely obliged if Mr. Hughes would give him the names of the persons who gave him the information. With regard to the outrages, he had been in good hopes that the subject was dying out, just as were the outrages themselves. No one regretted more than himself that such things should have taken place. Many of the charges made against trade societies in this town had been fully met. He should refer only to one or two, and in the first place to the Russell Works (Messrs Wheatman and Smith) outrage. That was said to have taken place on account of a piece of machinery that had been introduced, and was attributed to the obstruction of the saw grinders. But, in point of fact, there was no such obstruction. On the contrary, every facility had been offered to the firm in everything that they desired. Neither had there been any dispute. The Town Council inquired into the matter, and Messrs. Wheatman and Smith offered every obstruction in the way of giving information to the police. The union, on the other hand, offered every facility and assistance in their power. It was his (Mr. Broadhead's) society that was challenged, and he waited upon the Watch Committee and asked permission to be heard. A request was made for a Government Inspector to come down, but none was sent. In the end the Council pretty unanimously resolved that there was no blame attaching to the union in the matter. The case of the Acorn-street outrage had given rise to many imputations on the unions. But the poor victim's dying statement was that the outrage did not emanate from the union, but from another party. The man acquitted made a statement as to his own criminality in the thing, endeavouring to throw his criminality on others. On his acquittal the society expelled him, as was its duty towards a person who could make such statements, whether true or false. Had the society been guilty, there could be no doubt the man would have given every information. The union did not fear him. They took the course he had mentioned, but what was the conduct of his employer? He had since then again admitted the man into his service, and he (Mr. Broadhead) believed he was still there. The unions of this town had been frequently charged with these things, yet they had done everything in their power to prevent



them. They had even made good property which had been destroyed; they had done everything possible to clear up the instances which had occurred, and the only result of their efforts had been to have constant imputations cast upon them. He hoped that for the future they would have less of these imputations, and that instead of having charges made against them, they should have assistance given them.

Mr. Dronfield, compositor, also spoke in explanation of the conduct of the trades' unions of Sheffield, and said their rules were published in a volume, sanctioned by the Organised Trades' Association.

The subject of the co-operative principle was then taken up, and a paper was read by Mr. G. J. Holyoake, which led to a long and interesting discussion, in which Mr. Greening, of Manchester, took part. He said that Mr. Pitman wished to bring before the Association a plan for the establishment in Manchester of a wholesale society, which was formed from various district co-operative societies joining together, and through which they were enabled to purchase their stores at first cost. That society had got a turn over of something like 200,000% per annum, although it had only been recently instituted, and it managed to do business upon a profit of 8s. per cent. on the turn over, that 8s. per cent. being the only cost to which those societies who procured their stores wholesale through that store were put. That fact showed the possibility of something to be attained by co-operation of which they had no idea when the principle of co-operation was first brought forward. Proceeding, then, to consider the relation between the employer and employed, he said that, in the conflicts that arose between men and masters as to matters of wages, it should not be forgotten that the men had nothing but the wages before them. If the men won, it was simply a question of wages to them, but the masters had something more than that—they had the probability, by skill, by outlay of capital, by improvements in machinery—they had the probability of arriving at that something more, which made our manufacturers so wealthy in this country. The men, however, were not always so unreasonable in their demands as might be anticipated. Referring, then, to the objection workmen had sometimes to labour-saving machinery, he said it should be borne in mind that the profit to the master was direct when machinery of that kind was introduced, and the advantage to the men was remote, whereas it should be immediate. If a workman saw a machine introduced which did the work of three men, and also saw three men dismissed in consequence, he could hardly be expected to look with a favourable eye on labour-saving machinery, or to believe that though it seemed to be working an immediate

harm to the working man, it would in the end do them much good. It was the same with regard to inventions; working people of all others could give us the most rapid inventions, but they did not, naturally enough, because they had not the direct interest in them which their masters had. It was beginning to be thought in the present day that the payment of wages after all was not the highest form of freedom, as it did not develop the highest efforts of which a man was capable. If a man were paid regular wages for his work, he worked so hard and so carefully; if he were allowed to participate in the profits he realised, he worked so much harder and so much more carefully; but if he were made a junior partner in the concern which employed him, all his energies were devoted to the service of his employers. The proposal to combine the interests of the employers and the employed in the undertaking in which they were both employed was this—that the masters should take to themselves a certain sum, which they might fairly expect to get as interest for capital, and as payment for the risk they run, and that all the profit above that should be divided with the workpeople, the position would then be this—that workpeople would work out their own salvation, the masters really giving them nothing. A very large dividend above the present rate of profit could be made under that system. This system had been applied in the firm of which he was a member, and it had been found to work very satisfactorily.

The Rev. Mr. Steinthal, Mr. Hughes, M.P., and the Rev. H. Solly took part in the discussion.

A paper was then read by Mr. George Hope, president of the Scottish Chamber of Agriculture "On the Game Laws." He believed the abolition of the game laws would be attended with great advantage to the whole community. Mr. George Hunt, of Bradford, defended the game laws. Mr. Robertson, Mr. Henry Wilson, and Mr. Edgar took part in the discussion. The Chairman said that our legislation on the game laws must soon be amended.

In the evening the Lord Mayor, in the absence of the Master Cutler, gave a reception at the Cutlers' Hall to the members of the Association.

On Saturday morning the sections were somewhat thinly attended, owing to the attractions of the various excursions planned for members of the Congress.

About fifty ladies and gentlemen met at the Victoria Station Hotel early in the morning, and left by train for Worksop, under the charge of Mr. Councillor Grundy, who ably officiated as *cicerone*. Carriages were obtained in Worksop, in which the party travelled to Clumber House, the splendid seat of the Duke

of Newcastle. There they were received with the utmost cordiality by Mr. Heming, his grace's steward, who threw open the house to them, and did the honours in a way that fully maintained the reputation of the house for hospitality. It was known that the noble duke had expressed a wish that the excursionists should be received with all honour, and that he felt great regret at being unable to be present to welcome them in person. Leaving Clumber, the party drove to Thoresby, where they met with the same cordial reception from Mr. Horncastle, the agent of Earl Manvers. A drive to one of the most charming spots in Edwinstowe Forest was next undertaken, and the party had lunch under the famous "Major Oak." A visit to the Birchlands, and a hasty glance at Welbeck Abbey, brought the party back to Worksop. The day was beautiful, and the party unanimously expressed the greatest satisfaction with the excursion.

About seventy members of the Association joined the excursion to Chatsworth and Haddon Hall, where they arrived about twelve o'clock. Nearly the whole of the house and the entire grounds were thrown open, and every facility offered for the pleasure and gratification of the members of the Congress. The magnificent fountains played during the whole day, the weather was most favourable, and the beautiful grounds and fine, well-kept park formed a charming contrast to the busy smoky town the visitors had so lately left.

Even the temptations of pure air and mental repose did not induce all the philosophers to discontinue their work, and some of the sections met as usual. In the First Department, Section B, Lord Brougham was in the chair. Mr. Thomas Webster, Q.C., read a paper "On the Palace of Justice, its site and approaches, and the arrangements of the Courts and Offices of Jurisprudence." Mr. W. Strickland Cookson, Mr. Thomas Beggs, of London, and Mr. George W. Hastings, took part in the discussion. Mr. Webster met the objection taken to his plan of clearing away a number of houses now inhabited by the poor, for the purpose of creating a site for his proposed buildings, by saying that by displacing the inhabitants of the district referred to, a great mass of iniquity would be displaced at the same time, for there existed no worse neighbourhood in London than that bounded by Bell-yard on the east, and Drury-lane on the west. He regarded it as an additional and desirable result to the main project that that neighbourhood would be cleared.

Mr. John Guest, of Rotherham, read a paper "On the Affiliation of Illegitimate Children," in which he advocated the amendment of the law on this matter as one means of preventing infanticide.

The Educational Department met as usual in the Music Hall ;



the Rev. Canon Sale in the chair. There were, however, so few members present, that little or no discussion took place. The Rev. G. Fagan contributed a paper "On Rural Schools in relation to the State," which commenced with an extract from the report of her Majesty's Committees of Privy Council for 1863-64, showing the large population of the rural districts, and the inadequate amount of the Government grants to the schools, and said that this was one of the leading educational questions of the day, that rural schools had an especial claim on the Government, being mostly in poor districts, and peculiarly difficult to maintain in efficiency.

Mr. John Paton, head-master of the Parish Church School, read a paper "On the Teachers' View of Payment by Results." He stated that the defects in this plan were serious and many, at the same time that it had its advantages. The Government now pay, not for education, but the results of education; nor for labour in the field till it is seen what crop is produced. He expressed his approval of the *principle* of payment by results, provided the pay be adequate and for all results. His object was to point out the defects in the regulations laid down for the application of this principle; to show in what way their tendency is, *not* to promote the efficiency of education in our primary schools; and, to enforce, as much as possible, that "education is not like last year's currant wine in an 'auld wife's' cupboard—a thing to dole out with jealous measure—but a health-giving liquor, which should run like a river, and be as free."

Mr. W. F. Spray contributed a paper "On the Failure of our National System of Education to afford Elementary Education."

Mr. Fitch, Government Inspector of Schools, regretted that Mr. Spray was not present, and was sorry that such a paper, evidently prepared upon insufficient evidence, should have been admitted, because listening to it had withdrawn attention from the excellent remarks of Mr. Paton.

Mr. Gillespie called attention to the special question for discussion, which was, "Does or does not the present mode of Government payment for particular schools promote the efficiency of education in primary schools." He argued at some length in the negative, and contended that the small sums devoted by the revised code tended very much to discourage the teachers, and cause them to adhere strictly to the requirements of the code, teaching their scholars reading, writing, and arithmetic only, to the total neglect of the other branches of education, without which the simple rudiments would be of very little value.

The discussion was kept up with some spirit by the Rev. T. Lettis Short; the Rev. J. H. James, Governor of Wesley Col-

lege; Dr. Hodgson; Mr. Dronfield; the Rev. W. Wilkinson, M.A.; and Mr. Paton, the writer of the paper which attracted so much attention.

In the third section, that of Public Health, there was a large attendance at an early hour to hear Professor Gamgee's paper on the Cattle Plague. As Professor Gamgee has made himself master of this subject, we give his paper at length in the body of our Journal (p. 67).

In reply to a question from Mr. Routledge, Professor Gamgee said he regarded the cattle plague as a specific disease which could not in any sense be regarded as the typhus or typhoid of man. In the course of the discussion, Mr. Rawlinson and Mr. P. Holland thought the disease originated in the filthy condition in which cows were formerly kept in London and the towns of England.

The chair having been taken by Mr. George Godwin, Dr. Lankester made the following remarks. He said he stood there to denounce most thoroughly and determinately all attempts to persuade the people of this country that contagious diseases were not contagious. Nothing could be so frightfully dangerous, especially at the present time, as an attempt to divert the attention of the people from the resisting of contagious poison, and to try to convince them that it was in their own houses and homes that the disease was to be engendered. The cattle plague was a capital illustration of his position, because he thought that, after what Professor Gamgee had said, there could be no doubt that it was a contagious disorder, and had been introduced from abroad. Its history was well known, and he knew it to be perfectly true, as Mr. Gamgee had stated, that there had been congresses of veterinary surgeons in Europe, and at those congresses there had been no doubt expressed as to the contagiousness of this very disease. The theory that the disease could originate from the circumstances under which cattle are kept in this country could never have originated except in the minds of persons who had some crotchet of their own to maintain. It was the most fanciful thing that could be suggested. There was nothing adduced in support of it, whilst the evidence on the other side was overwhelming; and that there should be found, after the statements of Professors Symonds and Gamgee, persons who denied that the disease was contagious, was to him most wonderful. The evidence was clear and decisive as to the introduction of the disease. Our experience of the nature of the disease showed most conclusively that it could not have arisen from bad cow-sheds and badly-managed cattle. There were some cow-sheds in London so bad that if there was any power in filth to generate contagious diseases (which he en-



tirely denied), they ought never to have been free from this plague. Those places were in such a bad sanitary condition that the cows could not be kept in them without certain detriment to their health, or shortening of their lives; but the rinderpest never appeared there till it was imported. The cows died of pneumonia, bronchitis, and a hundred other diseases, but not of this plague. As the scarlet fever was no respecter of persons, so the rinderpest is no respecter of cows. It attacked the most respectable animals, as was shown by the destruction of the herd kept by Miss Burdett Coutts. Did the disease arise from filth in that case? Again, he had seen a similar case near his own home at Golder's-green, near London. A fine herd of cattle were kept on a farm at that place belonging to Earl Granville, and both the noble earl and his herdsman had a conviction that the disease had arisen in some mysterious way, but they did not know how. He could tell them how the disease had come there. There had been an importation of diseased Dutch cattle into a shed within one mile of Lord Granville's farm. Those cattle were turned upon the meadows next to the earl's, and through which there was a footpath which passed close to one of his sheds. People passed constantly over those meadows, and along the walk, and they were permitted to go through Lord Granville's sheds. Well, in that which was the model shed of the farm, but which happened to be the one near which this footpath ran, and to which people who had walked in the meadows were admitted, the disease broke out. The other sheds were imperfectly constructed and drained, but the disease did not break out in them. There could hardly be a stronger proof of the contagious nature of the disease. Any boy who had walked in the meadows in which the diseased cattle had pastured, and had afterwards gone into the shed, might have carried upon his feet contagion enough to poison a whole world of cows. Clearly, the disease did not originate in bad cow-houses. Such was the nature of the disease. They must try and put it down now as best they could; but it was idle to talk about its originating in dirt and filth. No matter how clean the cows were kept, they could not escape if they were exposed to contagion. There was incalculable danger in doubt and hesitation as to the contagious nature of the disease. He hoped that the effect of Professor Gamgee's paper would be to diffuse throughout the country a proper knowledge of the contagiousness of this disease. He admitted that uncleanness would *predispose* cattle to a hundred other diseases, but it would not *produce* the rinderpest.

The discussion was continued by Mr. Greening, of Manchester, Mr. Galloway, of London, and Mr. Clarke.

The Rev. Henry Moule then read a paper "On the use of

Dry Surface Earth as a Deodoriser, and in the removal of Excrementitious Matter, preventing the contamination of Air in Towns." This paper was written in reference to the question for discussion of the day, but which, on account of the absence of members on the excursions, was deferred till Monday. The author said the contamination of the air of towns arose from—1. The smoke coming from chimneys, and dust arising from stoves. 2. The general want of ventilation of rooms, and especially bedrooms and living-rooms, where gas is burned. 3. The exhalations arising from putrefaction and decay. 4. Exhalations from excrementitious matter. The last source of contamination he thought most important. He pointed out the evils of the water-closet system, which only removes the evil from the old ash-pit to the rivers, and advocated the use of earth as a deodoriser, on a principle that has often been explained as "Moule's Patent Earth-Closets." He was sanguine enough to think that the system might be employed in Sheffield, and, if it were begun, in a month's time some of the most filthy places he had seen might be rendered perfectly sweet.

Mr. Chrimes and Mr. P. Holland were entirely opposed to Mr. Moules's Earth Closets. Dr. Holmes spoke in favour of them.

Mr. Manockjee Cursetjee, after remarking that he had only a superficial knowledge of the question, and would not attempt to discuss it, congratulated the audience on the fact that in England novel plans were received with interest, were discussed without annoyance or unpleasantness, and what was good in them was well received. The grandeur and importance of England was due to this; and much of the degradation of India was due to the contrary system prevailing there.

Mr. Godwin, F.R.S., then gave an account of the Familistery, or Workman's Home, in Guise, France. Under this title, he said, M. Godin Lemaire has built a handsome structure for his workpeople and their families in Guise. M. Lemaire is a manufacturer of stove grates, employing more than seven hundred men. Desiring that his men should share his prosperity, he resolved to erect handsome and substantial structures, to give a strictly private home to each workman, and combining with it the nursery, where his wife, while engaged at work, may deposit her infant; the infant school, where his children, between the ages of two and five, may be gradually prepared for the school, properly so called, in which their education may be carried on till the age of twelve, fitting them not only for their industrial calling, but for the proper fulfilment of their own social duties; playgrounds, where, by healthful exercise, physical development shall be ensured without necessarily exposing them to the baneful

influence of the streets; stores, where provisions and garments may be procured at wholesale prices; reading-rooms, baths, wash-houses, &c.; all, in short, that can render home healthy, attractive, and pleasant. Another similar pile of buildings will complete the work. Water is provided on every floor, allowing a daily consumption of eighteen quarts per head. Each set of apartments has store-closets with drawers and shelves, a shoot to the dust-hole below, which is cleared every day. The partition walls are of brick, so that the neighbours cannot overhear one another. Liberty, privacy, and cleanliness, are three of the chief points aimed at. M. Lemaire desired to raise the self-respect of his workmen, develop their personal dignity, and he has nobly carried out his desire. The nursery provides for children from birth to two years old, for such mothers as desire to make use of it. There is a preparatory school for children between two and five, and the more advanced school for those between five and twelve. The wives and daughters supply the nurses, and a highly educated young lady has the general superintendence of those and of the school. No man is bound to send his children to the school any more than he is bound to live in the houses. The cost of the school and nursery is included in the rent. The unfurnished apartments are let at 3s. 9d. per calendar month for each room. A furnished room for a single man is let at 6s. 8d. per month. The men have every advantage, and pay for all they have, and yet the proprietor gets a good return for his outlay. There was also a restaurant, where an unmarried man can get his meals at a cost of from eightpence to one shilling per day. Baths and washhouses can be used at a small cost. A medical man calls every morning, 'paid by a mutual benefit society. This experiment has been going on for four years, and deserves, at any rate, to be further examined. It is suggested that a deputation from the Society should visit Guise, and report on the results of their inspection. The inquiry would do good should their report confirm the truth of the statements that have reached us, and might lead to the establishment of similar places in this country.

The sitting of the Department of Economy and Trade, was resumed under the presidency of Mr. Edwin Chadwick.

The special question for discussion was, "Is it desirable to consolidate the existing railways of the United Kingdom into one system, under Government control?"

A paper by Mr. Edwin Hill, on the "Inland Revenue, or an Official Inspection of Railways, and the Management of the Traffic Thereon, as a means of Preventing Accident and Loss," was read by Mr. Edgar, the secretary of the department. He thought such a system, if properly carried out, would be productive of great advantage, as one of the most effective means of



abating injurious practices and effecting the suppression of abuse, was to expose them to the broad light of publicity. He suggested that an official inspection, wholly independent of the administration of railways, and therefore unbiassed either in its favour or against it, would in all probability prove highly economical to the railway companies themselves—the loss by the accidents of a single half year upon one line only (including the Staplehurst accident) having been officially estimated at some 50,000*l*. The expense of the necessary staff of inspectors, clerks, &c., need not be great, and if his anticipations of an important economy to the railways be realised, such expense ought to be cheerfully borne by the railway companies themselves.

Samuel Plimsoll, Esq., read a paper on the question of the day, "Is it Desirable to Consolidate the Existing Railways of the United Kingdom into one System, under Government Control?" In a carefully considered manner he laid before the meeting the various points of the question, the nature of travelling at the present time, the cost of working the whole railway system, the number of passengers carried on the different lines in the course of a year, and the cost of each. From figures, he showed that the total and indirect cost of each train per mile was 2*s*. 7*d*. The average number of passengers carried per train during the year was fifty—seven first, sixteen second, and twenty-seven third class. The average weight of goods carried on the merchandise and mineral trains was seventy tons. That both of these results might have been multiplied many times, without adding appreciably to the expense, may be inferred from the fact that an engine is capable of taking even a thousand people, instead of fifty, and from the other fact, that about three hundred tons is now the usual weight of load of a mineral train on the Great Northern Railway. Mr. Plimsoll discoursed on the effect of low fares, the purchase of the railways by the nation, and met the arguments brought by Messrs. Gale and Chadwick, in favour of Government interference, by a number of objections to the further amalgamation of railway interests. He concluded his remarks by some sharp and able critiques on railway refreshment rooms and discomfort, commenting on the abominable provision that is made therein for anything like the wants of travellers, either with respect to food or refreshment of any sort.

Mr. Hawes, Chairman of the Society of Arts, made a statement as to the present system of railway management. He was greatly opposed to Government management, and referred at some length to the abuse of such powers as those already possessed by the Post-Office authorities, where positions of emolument and trust were given rather to members of the aristocracy and friends of members of Parliament, than to those best fitted to hold them. Mr. George Potter, of Man-

chester, Dr. Pankhurst, and Mr. Teulon, of London, took part in the discussion. After a short address from Mr. Sandford, the chairman stated his views on the question, which were in favour of the Government management of railways. Mr. Raper, of Manchester, and Mr. Freeland, late M.P. for Chichester, agreed with Mr. Plimsoll in objecting to further railway amalgamation. Mr. Chambers, Q.C., deprecated the present system of excursion trains, which he believed was at the root of nine-tenths of the accidents that occurred. Mr. W. C. Lang, of Sheffield, remarked that at present Parliament represented the railway interests, and not those of the people, the passengers, and supporters of the railways. New lines of traffic which were earnestly desired by the people themselves, by the counties through which they would pass, were opposed and crushed by the influence of the land-owners sitting in the House of Commons, so that he did not think there was more to be apprehended from Government management than at present existed.

Mr. Plimsoll having briefly replied on the whole discussion, a vote of thanks was, on the motion of Professor Fawcett, seconded by Mr. Freeland, passed to him for his excellent paper, and the department adjourned.

#### MONDAY.

The business of the Association commenced with an address from Dr. Lankester, President of the Health Department. In the opening he pointed out the essentially scientific basis of social questions generally, and the facts and principles of those sciences on which the Department of Public Health was founded. He then directed attention to the study of the nature of contagious diseases, as a scientific basis for contending with the presence of the cattle plague and the apprehended visit of cholera. In conclusion, he urged, first, the necessity of more comprehensive and earnest measures of sanitary legislation; and, secondly, the importance of instilling by education into the minds of our statesmen, our clergymen, our vestrymen, and our middle and working classes, a knowledge of the known laws of life, through the ignorance of which at least 150,000 lives are annually sacrificed.

Lord Brougham (who was in the chair) said he was sure he expressed the unanimous sentiment of the assembly when he said that, for the able address to which they had listened, Dr. Lankester deserved their highest approval. It bore upon those sciences which were indisputable, and which the Association cultivated, and always had done. He heard some persons say there was no science in jurisprudence, and no science in political economy, no science in the principles which ought to regulate education; and, in short, it was said that all those subjects were

trumpery and ridiculous. He wished that the persons who made those assertions could have heard the statements of Dr. Lankester. Independent of the part of it which referred to his own particular department, every sentence of it was connected with science. He had received a letter from a person in London, which struck him with astonishment, and showed the truth of the proposition which Dr. Lankester had stated. What Dr. Lankester said of the villages, he said of the very heart of London, that there was no due attention paid to the prevention of the contagion of diseases admitted on all hands to be contagious—such as small-pox and typhus-fever. He would read the letter, because it was a strong illustration of the position which Dr. Lankester had taken up. The noble President read the letter as follows :

“Camberwell, October 7th, 1865.

“TO THE RIGHT HON. THE LORD BROUGHAM.

“MY LORD,—Allow me to call your lordship’s attention to a practice which prevails with the Small-pox and Fever Hospitals of sending their soiled linen, sheets, &c., &c., from the north of London to three miles south of it to be washed. It is fetched in the same carts that are used for the other customers of the laundry, which is a very large establishment, doing the work of many of the principal club-houses, institutions, public schools, hotels, &c., &c. The infected linen is brought through the heart of the metropolis, and upon arriving at the laundry it is obliged to be thrown upon the ground for several days before any of the women will touch it. I believe two of the men employed to fetch it from the hospital have caught the small-pox ; one I can vouch for, and although he has since been nearly reduced to starvation, he refused to return to the same employment.

“I think, my lord, such institutions should either be compelled to wash on the premises, or, failing the necessary accommodation for that, should throw the linen into a disinfectant previous to it being sent through the streets.

“This letter was suggested by reading Dr. Lankester’s speech at Sheffield in this day’s newspapers.

“Deeming this should be made known, and trusting the importance of the subject will prove a sufficient excuse for thus encroaching on your lordship’s valuable time,

“I remain, your Lordship’s most obedient servant,

“G.

“P.S.—I enclose my card, but have no desire for my name to be made public.”\*

In the First Department, Section A, of Jurisprudence and the Amendment of the Law, the sittings were resumed under the presidency of Lord Brougham. The attendance, which was

\* In a letter to the *Standard*, Dr. Murchison has denied the truth of this statement, as far as regards the London Fever Hospital.—Ed.



pretty numerous at the outset, largely increased as the day advanced. The special question to which the sitting was devoted was, "Upon what principle should local courts be conducted with reference to extent of jurisdiction and system of procedure?"

Mr. H. A. Williams, in introducing the question, sketched the history and main features of existing local courts, and then unfolded the leading principles on which he considered local courts should be established. They should administer justice in a cheap, ready, and simple, but efficient manner in all ordinary cases, and leave to the higher courts that litigation alone which involved questions of large moment. Every system of local judicature should be as much as possible uniform in its jurisdiction. Nothing could be more unsatisfactory than the existing common-law jurisdiction of the county courts, which was in some cases practically exclusive of, and in others concurrent with, that of the superior courts. It was founded upon a number of arbitrary rules, which gave rise to numberless and needless difficulties. When a man had a claim to the amount of 50*l.*, he could go to the local court; but if the amount were 60*l.*, however clearly due, he must send to London and issue a process through an attorney, the expense of which was not usually covered by the amount of the debt. Questions involving title to land, also removed an action from the jurisdiction of the county courts, unless the parties could be induced to consent. And so in cases of malicious prosecution, libel, seduction, or breach of promise of marriage. It might be that the majority of these causes of action involved interests so large as to make them fit subjects for the decision of a superior court; but the determination of that point would be best left to the parties proceeding. It was true that by consent the county court had power to try any action which might be tried in a superior court, but this could only be done by the consent of both parties; and a plaintiff who had a *bonâ fide* case was at the mercy of his opponent, and had often to abandon part of his claim, that he might not go beyond the local court. If a defendant had any objection to his case being tried in a county court, for any amount that might be sought from him, he should be provided with the privilege of application to a judge of a supreme court to get the case removed.

Mr. H. J. Leppoc, a director of the Manchester Chamber of Commerce, read some remarks "On the Establishment of Tribunals of Commerce or Courts of Arbitration." He contended that commercial tribunals should be based, and were so more or less in all countries where they were established, upon three principles: 1. Judges should be experienced in commercial matters. 2. Prompt, simple, and inexpensive procedure. 3. Rapid execution of the judgments. Now, in all these respects the pro-

ceedings in this country were greatly deficient. 1. Decisions were generally given by persons absolutely unqualified for the duty. 2. The expenses which attended legal proceedings, as at present conducted, were enormous, and the procedure complicated in the highest degree. 3. A long period must necessarily elapse between the commencement and termination of an action. It might well excite the astonishment of all men who had paid any attention to this subject, either Englishmen or foreigners, that the greatest trading nation in the world should be content to endure grievances such as had been stated.

Mr. James Hall, a member of the committee of the Newcastle-upon-Tyne and Gateshead Chamber of Commerce, read a paper "On Mercantile Courts."

Mr. A. Notley (Rotherham), read a paper "On Bankrupt Law Amendment."

Mr. G. W. Hastings, Mr. Robert Wilson, Mr. Tennent, and Mr. Gould took part in the discussion which ensued.

Miss Shedden read a paper "On the Necessity for the Inviolable Preservation of Trial by Jury on all great Questions of Fact." The writer warmly eulogised the institution of trial by jury, and pointed out its value. The practical portion of the paper was to show that trial by jury was to some extent weakened in its vitality, and the privilege of resorting to it taken away by recent Acts of Parliament, which allowed questions of inheritance, legitimacy, nationality, and others, to be decided by a single judge without a jury. The paper was received with applause. She read the following letter from Sir F. Kelly to Lord Brougham, dated—"The Chauntry, Ipswich, 3rd October, 1865 :

"MY DEAR LORD BROUGHAM,—I greatly regret that the continuance of the cattle plague, which has almost overwhelmed me with local duties in this county, renders it impossible for me to attend the meeting at Sheffield; and I lament this the more as I understand that a discussion is likely to take place upon the right of a trial by jury under the Legitimate Declaration Act, of which I was the author.

"It is truly wonderful that such a question should ever have been raised in relation to an Act the decisions under which involve at once nationality, legitimacy, and the right to property real and personal.

"The common law begins by declaring that jurymen, not judges, must determine all questions of fact.

"Courts of equity, from the earliest times—though often disposed to usurp the functions and to appropriate and apply its own modes and forms to the judicial principles of the common law—have ever respected and held sacred the right of the subject to trial by jury; not only by adhering to the maxim *Æquitas sequitur legem*, but in holding as a rule of the court, admitting of no exception or qualification, that the right of an heir-at-law can never be superseded or set aside but by the verdict of a jury.

"When, in 1857, the Probate Court Act and the Divorce Act were passed, the principle still prevailed. In both Houses of Parliament the promoters of the bills claimed the support of members in and out of the legal profession by declaring that in the exercise of jurisdiction the practice and the procedure were to be regulated by the common law; and the Government and the Lord Chancellor of the day (Lord Cranworth) attested their sincerity by the appointment of a common law judge to preside over both courts; and Sir Cresswell Cresswell, a judge of the Common Pleas, has been succeeded upon his death by Sir James Wilde, a Baron of the Exchequer. It is, therefore, strange indeed that a doubt should ever have been suggested, whether in these united courts under the Kindred Act of 1858, to establish the nationality, the legitimacy, and the heirship of a petitioner, the trial by jury is not matter of common right.

"If this sacred privilege, the birthright and the inheritance of the people of this country, transmitted to them by their ancestors from the remotest antiquity, and recognised and affirmed by statutes from Magna Charta to the date of 1857, can be set aside by a single judge, almost without argument and without contradiction, it must follow that the respect of the judges themselves for their office, the public spirit of the bar, and the stern resolution and independence of the British people, are powerless to preserve the integrity of that great institution upon which property and character, life and liberty, depend.

"That you, the worthy successor of Erskine at the bar, will do all that man can do to maintain inviolate and for ever the trial by jury, is at once my consolation and my condition.

"Ever truly yours,

"FITZROY KELLY."

Mr. Hastings said he had to express the regret of Mr. Forsyth that he could not be present at this discussion. The opinion of Mr. Forsyth was that all questions of legitimacy ought to be submitted to a jury; at all events, that a plaintiff ought, as a matter of right, to have the option of having his case so heard. For himself he could say that it was the opinion of the present judge of the Divorce Court that such a right ought to be given to the plaintiff. Sir James Wilde looked upon the contrary course as casting a responsibility upon the judge which the judge of that court ought not to be called upon to exercise, and that if the parties in his court demand a jury they ought to have it. He sincerely hoped that the legislature would in this respect amend the law during the next session. Sir Roundell Palmer was in favour of a bill for amending the law on this question, but if the Attorney-General did not do it, some one else would be found to bring in the bill.

Lord Brougham said he well knew that Mr. Forsyth's opinion was favourable to trial by jury in all such cases as this. Mr. Forsyth had made many objections to the contrary course.



His strong opinion (striking the floor with his stick between each word) was that it was the right of every party in the questions of legitimacy to have the question decided by jury. Sir Fitzroy Kelly was of the same opinion, and it was incontestibly understood in the Court of Chancery that without trial by jury the law could not be satisfactorily administered. Applying the stick again, his lordship repeated his own opinion, and Sir Fitzroy Kelly's opinion, and the Court of Chancery's opinion as to the inherent right of every one to a trial by jury where their legitimacy was involved, and his regret that the bill which was prepared by this Association did not pass into law. In the case of Miss Shedden he never understood the ground on which the trial by jury was refused.

In the Department of Education, the chair being taken by T. Chambers, Esq., a paper was read by Miss Carpenter "On our Neglected and Destitute Children: are they to be Educated?" As we hope shortly to publish this paper at length in this journal, we need not further refer to its contents.

The Rev. Dr. Sale then read the address which the Rev. Dr. Hook, Dean of Chichester, had prepared as President of the Department of Education.

Mr. A. O. Charles, of London, read a paper "On Education for those who need it." The object of the paper was to advocate the establishment and support of ragged schools.

Mr. Henry Cartwright, of Gloucester, read a paper "Government treatment of Ragged Schools." The author commented with much severity on the withdrawal of government aid to ragged schools. He concluded by saying, "It will, indeed, be a disgrace to England, as the leading Christian nation, if the grant be not at once renewed, and the Committee of Council on Education, in the event of refusal, will remain under the well merited stigma of having by its petty official spirit of domineering done more to retard the education of the poor than all the united prejudices of the old school of education."

Mr. G. Brotherton read a paper "On the State of Popular Education, and Suggestions for its Advancement." Government grants, he said, as now administered, scarcely reach the poorest part of the population at all, either in towns or in country districts. They are devoted to the aid of those who can afford to pay school fees; while those who cannot pay anything are left in their ignorance. It is doubtless true that the town districts absorb the largest proportion of the grants, for the very evident reason that the population is more dense in towns. After illustrating his subjects by numerous statistics, he proceeded to speak at some length on the advantages to be derived from the establishment of an education aid society, similar to one existing

in Manchester. The primary object of the society is to send to school the children of those who are too poor to pay the school fees. The general discussion on these papers was commenced by the chairman, and continued by the Rev. Mr. Clay, the Rev. N. Stephenson, Professor Hancock, Mr. Galloway, and Mr. Hill. The Rev. W. Steinthall moved, and Dr. W. Hodgson seconded the following resolution: "That this section being convinced of the existence of a large and growing number of children who are unable from very varied reasons to enter any of the schools at present existing, and are therefore constantly increasing the number of the population of the criminal class of the community, we earnestly request the Council of this Association to press on our Government the need of a full inquiry being made into the extent of this class and their circumstances, and also the amount of pecuniary aid required to give efficiency to such schools as are intended to meet the wants of those for whom no provision is at present made by any of the educational appliances receiving Government help, and of prompt action being taken in accordance with the condition of those ascertained." The resolution was carried unanimously.

In the Health Department Dr. Gavin Milroy read a paper "On Quarantine and the Cholera," in which he showed that the present quarantine regulations were both cumbrous and inefficient.

Dr. Trench, Medical Officer of Health of Liverpool, whilst regarding our present system of quarantine as cumbrous and inefficient, was free to confess himself a contagionist with regard to cholera. At the present moment, arising from the deficiency of our regulations, a ship might arrive from the Mediterranean with cholera on board, and he had no power to prevent a person suffering from the cholera being landed in the midst of a population of five hundred thousand persons. He must confess that he regarded such a contingency with the greatest apprehension.

Mr. Rawlinson, Dr. Hall, Mr. Horney, and Mr. McGowan took part in the discussion.

The Chairman (Alderman Fisher) then called upon the Rev. W. H. Channing, who worthily bore a name honoured throughout America and Europe, to address the Department in reference to the operations of the United States Sanitary Commission.

The Rev. W. H. Channing went into a statement of the origin and operations of the great voluntary organisation which is known as the United States Sanitary Commission. He showed in the outset that the American people had copied the example set by England during the Crimean war. It was their duty, as

it was their privilege, to hope that throughout Christendom great wars had now closed for ever. It surely should be so in the light of the present Christian conscience. There was no nation on the face of the earth that longed more ardently for permanent and universal peace, to whom war was more detestable, than to the United States of America. But if duty, under the command and judgment of Providence, demands the sacrifice of war, surely it became all Christian people to alleviate as far as they could the horrors of that war. It was through the instrumentality of Florence Nightingale, and the action of the British commission who followed in her train, that the whole sanitary movement in America originated. He reviewed the history of the landing of the British army in Turkey, and the awful mortality that followed. The death-rate at one time rose to the enormous number of 700 in 1000. That extraordinary mortality led to the institution of the sanitary commission, and the result of their operations was seen in an immediate decline in the rate of mortality, until at last it reached 25 in 1000. When it became evident to the American people that they had the alternative before them of submitting to national death or a struggle in the field, there was no hesitation as to which they would adopt. The people entered with enthusiasm upon the war, and side by side with the military movement sprang up an organisation which he described as having for its object to carry home into the battle-field. He then went into an estimate of the various departments of the commission, showing how it succoured the wounded upon the battle-field; cared for them in the hospital; superintended their removal; provided them with every comfort that money could procure; arranged with the Government for their pay; and, finally, if they were disabled, secured to them the pensions to which they were entitled. He explained that the entire agency was supplemental to the action of the Government. As instancing the magnitude of the operations of the commission, he said that at the battle-field of Gettysburgh alone they had expended 74,834 dollars (15,000*l.*) In addition to actually caring for the soldiers when sick or wounded, the commission had established homes and refuges—"rests," as they were called, for men who for various causes were temporarily separated from their ranks. The result of their operations was that by their sanitary commission in its departments of special relief, in its homes, its "rests," and its hospitals, they had cared for 839,000 men. In conclusion, he said that the total contributions from the states, counties, and towns summed up to the almost incredible total of 212 millions of dollars.

Professor Fawcett, M.P., moved a vote of thanks to the Rev. Mr. Channing. He took it that the North would not have made



the sacrifices that they had done if they had not felt that they were fighting for a noble and holy cause. He congratulated Mr. Channing with all his heart on the way in which the war had been conducted, and he congratulated England too upon the success of their American kindred. The predictions of some of our statesmen and writers had, happily, been falsified. The South had not lost its independence, the North had not gained empire, but it had gained something that was inestimably better—it had lost the great curse which prevented it from becoming a great and noble nation. It was the proudest boast they had ever been able to make, that now a slave could not breathe upon American soil.

Mr. Rawlinson, in seconding the motion, observed that to Lord Shaftesbury the credit was due of having originated the first sanitary commission that went to the Crimea.

Alderman Saunders read the following paper: "Reasons for the difference existing between the Death Rates of Rural and Urban Districts, and incidentally of Sheffield."

Mr. Joseph Jones, clerk to the Local Board of Health at Derby, read a paper "On the Local Government Act, 1858, and the necessity of extending its usefulness to the Suburbs of large Towns."

Two papers were read which had been deferred from Saturday on the question of the Contamination of the Air of Towns, one from Dr. Angus Smith, of Manchester; which was read by the Secretary, Mr. J. D. Leader, the other by Dr. M'Adam, who was present.

Mr. Galloway, Mr. Holland, and Mr. Rawlinson addressed the meeting on the special question, and urged the necessity of ventilation in streets, alleys, courts, and houses.

In the Economy and Trade Department Mr. Edwin Chadwick took the chair.

Mr. R. E. Leader, B.A., read a paper "On the Rise and Growth of the Trades of Sheffield."

The paper contained an account of the manner in which Sheffield had gradually increased from small beginnings to the large and busy scene around them. In 1801 its population was only 45,000; in 1861 it had risen in point of size to the rank of sixth town in the kingdom. Its population had been increasing at the rate of 5,000 a year, and it now contained more than 200,000 inhabitants. The author gave an interesting account of the various staple trades of the town and of their fluctuations. In spite of the effect of trades' unions and the competition of the towns, the trade of Sheffield had on the whole increased, and the town was prosperous and progressing.

Mr. Henry Turner, file-manager, read a paper "On the File

Trade: its Importance, Locality, and Peculiarities." The reading of this paper lead to a long discussion on the introduction of machinery into the file trade.

Mr. Alderman Jackson, as a file manufacturer, wished the question to be answered by the working men present. If he introduced machinery into his establishment would they strike?

Mr. Henry Turner, Mr. Dronfield, and Mr. John Wilson, working men of Sheffield, also spoke on this question, as also Mr. Potter, of London; but none of them gave a definite answer to Mr. Jackson's question. Mr. Dronfield, as secretary to the Trades' Association, would not give any assistance to a strike against machinery. Mr. Austin, railway-spring maker, Mr. Thomas Aveling, Mr. John Wilson, and Mr. Holmes, of Leeds, and Mr. C. Bagshaw, president of the Association of Organised Trades, spoke on the subject of the opposition to the introduction of machinery.

The President said he thought the discussion which had taken place very satisfactory. He hailed with considerable pleasure the expressions used by the leaders and representatives of the working classes who had spoken, and he only hoped they were not in advance of their constituents. In past times machinery had been opposed not only by men but by masters. He had watched with a good deal of interest and care the effect of the introduction of machinery as regarded the men displaced, and the result of his investigations had been to remove in a great measure an impression that he had had that provision ought to be made for those whose labour was supplanted. They were frequently driven to seek employment in other ways, and got better wages than they had had before. He instanced the Manchester scavengers in proof of this. He did think, however, that it was very important and very fair that working men should receive a share of the advantage the introduction of machinery brought. After some observations on the benefits conferred by machinery, Mr. Chadwick said he wished returns could be got from the Registrar-General of the total number of file-cutters who had died in Sheffield during the last five years, distinguishing the causes of death—which from phthisis and which from miasmatic disease.

Mr. Turner wished to say a few words in reply. If the manufacturers of Sheffield would act the part of the manufacturers in other towns, they would diffuse sound information, and the trade might be altered. He had not found such strong opposition to machinery as Mr. Jackson had described. So long as the employers did not mix more with the employed, there would continue to be these differences of opinion.

Mr. Thomas Aveling read a paper "On the Economical Use of Road Locomotives compared with Horse Labour."

The Rev. Henry Solly read a paper entitled "Facts and Fallacies in relation to Working Men's Clubs."

Mr. Joseph Rayner, of Brighouse, Yorkshire, read a paper "On Municipal Savings Banks." He commenced with observing that the object of the paper was to submit for consideration one or two propositions with reference to the employment of savings in the execution of sanitary and other municipal works, instead of investing them as now in Government works. The savings banks in the United Kingdom at present held about 40,000,000*l.* sterling, upon which three per cent. was paid, and the Post-Office Savings Banks held about 6,000,000*l.*, upon which two and a half per cent. was paid, giving an aggregate annual income from savings of 1,350,000*l.* These investments were perfectly safe, and involved no trouble or responsibility to the depositors, being preferable, on that account, to other modes of investment. He then showed that the investment of these savings in sanitary improvements would yield a higher interest and be productive of great good.

Mr. J. A. Raper said he had seen in the papers, on Saturday, articles pooh-poohing the Social Science Congress, and asking what it had done. He believed it had been the means of setting on foot the Post-Office Savings Banks, for he believed the information given previous to the Congress, and the discussion arising out of that information, led to Mr. Gladstone taking the step he did. Mr. Rayner in this paper had opened out a new subject, which had not been before the public, and he certainly did hope that the time was not far distant when that gentleman's suggestions would be carried out.

Mr. Graham Gilmour read a paper "On Cheap Food," in which he stated that South American beef and mutton was now being prepared in such a way that no objection could be made to its flavour or quality, and which would be sold retail at fourpence a pound.

On Monday evening, a meeting of the United Kingdom Alliance, for the suppression of the liquor traffic, was held in the Temperance Hall, Townhead-street. Mr. George W. Hastings, the Secretary of the Association, presided. The feature of the evening was an address from Miss Carpenter, who, in her earnest desire to assist the temperance cause, overcame her reluctance to speak to a large audience, and delivered an admirable address on the evils connected with intemperance. The Rev. Dr. Gale exhibited the tendency of teetotal speakers to exaggeration, by stating that he had attended the working men's meeting, and had



come to the conclusion that nine-tenths of those present could have instructed their teachers.

It must be very evident, if the reverend gentleman's words are correctly reported, that he regards the sole end and aim of Social Science to be total abstinence. It is this fanatical view of the subject that prevents the spread of temperance principles, and the objection thoughtful and educated persons have to the discussion of the question of the use of alcoholic beverages with the advocates of teetotalism.

#### TUESDAY.

The business this day opened with an address from Mr. Edwin Chadwick, the President of the Department of Economy and Trade. He reviewed many important topics which came under the notice of his own section. The large loss of lives and property by shipwrecks, the numerous cases of systematised murder and incendiarism, as well as the destruction of ships for insurance money, was encouraged, as he believed, by defects in the practice of insurance. He advocated that a system of inquiry similar to that of the coroner's inquest in case of death should be held on every case of fire, and he believed this practice, as well as the more easy access to a water-main near every door, would cause a considerable diminution of these frightful catastrophes.

Lord Brougham, in offering the thanks of the Congress to Mr. Chadwick for his paper, said that he had long been impressed with the necessity of having a public prosecutor in this county, on whom the onus and responsibility of enforcing the criminal law of England should rest.

In the First Department, the chair was temporarily taken by Mr. H. I. Cookson, and afterwards by Lord Brougham. The first paper was read by Mr. Gainsford, "On the Public Advantage of a Grant of Assizes to Sheffield." Mr. Avison, of Liverpool, concurred in Mr. Gainsford's views as to the desirability of endeavouring to obtain this grant. Mr. Hadfield, M.P. for Sheffield, said he had been in communication with Sir G. Grey on the subject, and advised the town of Sheffield to bestir itself in this matter.

Mr. Robert Leader, Mr. Ironside, and Mr. Hoole took part in the discussion, and suggested immediate action in the matter.

Mr. Thomas Hare read a paper "On the frame of a Bill for enabling Parliamentary Electors voluntarily to withdraw their Names from the Local Registry and from unanimous Constituencies." The paper presented in a modified form the same system of election as that which is proposed in his work "On the Election of Representatives, Parliamentary and Municipal."

A discussion followed, in which Mr. Fisher, Mr. Westlake, Mr. Holyoake, and other gentlemen took part.

Mr. R. A. Macfie, of Liverpool, read a paper, entitled "Plurality or Graduation of Individual Votes as a means of facilitating the extension of the Parliamentary Suffrage to all Classes."

A brief discussion ensued, in which Mr. Holyoake expressed his belief that the present constituency would never do any good.

Mr. Macfie explained that it was in contemplation of a large extension of the suffrage that his paper was prepared.

Mr. William Tallack, of London, read a paper entitled "The Practical Results of the total or partial Abolition of Capital Punishment in various Countries, prepared as a Summary of the most recent and authentic Information on the Subject." He quoted a number of very recent official documents and statistics obtained from abroad, to offer to the Royal Commission of Inquiry on Capital Punishment, now sitting. From these testimonies it appeared that there is abundant practical proof that the abolition of the death penalty, in part or altogether, has not led to a consequent increase of crime, but has greatly promoted the certainty of punishment and of conviction. Mr. Tallack concluded his paper by objecting to the present system of capital punishment as hurrying criminals to death without due time for repentance and reformation, and, certainly in many cases, effecting the deprivation of life without a just consideration and regard for the degrading miseries, the orphanage, neglect, ignorance, and hereditary incapacity which constitute, in part or altogether, the inevitable antecedents of most criminals, and which, though affording no reason for impunity or for pardon, yet most strongly forbid the infliction of a penalty irrevocable in its nature, and severe in the most awful and unmitigated degree.

Mr. Beggs, Secretary of the Anti-Capital Punishment Society, and Manockjee Cursetjee, took part in the discussion, the latter gentleman supporting the continuance of capital punishment for murder, but opposing its publicity.

In the section devoted to the Repression of Crime, Mr. Freeland took the chair; and Mr. T. B. L. Baker, of Gloucester, contributed a paper on "Sentences to be Passed on Criminals," the special subject for discussion being, "What means it is desirable to adopt to prevent the passing of sentences inadequate to the proper repression of crime."

Mr. T. S. Murray read a paper on "Sentences to be Passed upon Criminals." In introducing the subject the writer said that of the whole range of subjects connected with the treatment

of criminals, the question of sentence is the most important one now remaining to be considered, and to be worked out. Notwithstanding the many alterations which had been made in prison discipline, and the establishment of reformatories and refuges, the system of sentences—a system it can be called—remains almost in the same state in which it was one hundred or two hundred years ago.

Mr. Shepherd, Captain Cartwright, and the Chairman took part in the discussion; also, Mr. Saunders, Recorder of Bath, and Mr. Cox, Recorder of Falmouth. Mr. Hastings did not agree with Mr. Baker's view, and believed that a severe sentence and a certainty of conviction, was the best means of preventing crime.

The Rev. Mr. Clay, Miss Carpenter, and Mr. Thomas Garfit also addressed the section, after which Mr. Baker replied, and the discussion closed.

The Rev. Ishmael Fish presented a paper on "The Educational Effect of Certain Laws," written by a lady. The object of the paper was to show that the law, as administered in cases of child murder after seduction, tends to lessen the enormity of that offence in the eyes of the public. Hasty legislation on such a subject cannot be too much deprecated, and yet some change is required, if between just laws and true policy there is to be no antipathy.

A section of the Jurisprudence Department met for the purpose of discussing the Patent Laws. Professor Hancock, of Dublin, presided.

Mr. R. A. Macfie, of Liverpool, read a long and interesting paper on "Long Restrictions in the Use of Inventions, and Obligation to make Heavy Payments to Patentees, Incompatible with Free and Fair Trade."

Mr. Hill, Mr. Wilson, Mr. Galloway, Dr. Pankhurst, and Mr. Fisher spoke on the question before the meeting. Mr. Jobson Smith read a letter from Mr. Webster, Q.C., who had been called away from Sheffield.

Dr. Fairbairn, of Manchester, said he did not concur in Mr. Macfie's opinion, that the country would be better without the Patent Laws than with them. He did not care for the abolition of the Patent Law, if something was substituted by which the honest, ingenious inventor could be protected. He considered that the Patent Law should be modified so as to give protection to the inventor as well as to the public. He thought they might safely leave it in the hands of the Parliament to frame such a law as would meet the wants of the case.

Mr. Macfie briefly replied on the whole case, and brought forward additional instances in which at present the English



merchant was placed at a disadvantage owing to the undue pressure of the Patent Laws.

In the Educational Department, Thomas Chambers, Esq., Q.C. and M.P., presided.

Dr. W. B. Hodgson read a paper on "Classical Education: When, Why, and for Whom." The author, at some length, enlarged upon the present state of education, and condemned the "smattering knowledge" imparted to the pupils of our public schools—until no single subject was learned. The training was deficient, and the result was few really good scholars. He advocated the restricting of the area over which so-called classical education was spread, by reducing the number to whom it was administered, and the amount of time to be devoted to it, and said that if this were done, in his opinion, a greater amount of good would be accomplished. Fewer persons would learn classics, but those few would be more thoroughly educated, and with very much greater profit. He was no enemy to Latin and Greek, but he was certain that the end at which he aimed was the improvement and binding together of all classes of the community by a natural and generous education, common to all in its principles and essential features, but capable of wide diversities in its later developments, according to the means, the talents, the disposition, social and professional, of their individual members.

Mr. Manockjee Cursetjee remarked upon the excellent character of the paper, and compared the difficulties of English education with those of India.

Mr. Payne, at great length, contended that the assumptions of the lecturer were not borne out by the evidence, or even by his assertions. He defended, with great ability, the present system of classical study, and urged that, without a knowledge of Latin and Greek, the education of our young men must necessarily be imperfect.

Mr. Gillespie, Mr. Unwin, Mr. Leighton, and Mr. Wingfield spoke on the question.

The Rev. J. L. Short then read a paper "On the Nature of Education Required for Different Classes in the Community," which was followed by one from Miss Irby and Miss McKenzie, "On Female Education amongst Slavonic Christians in Turkey."

In the Health Department Lord Brougham took the chair. The first paper was read by the Rev. W. W. Malet, Chaplain to Lord Brougham, "On the work of a Home for Destitute Women and Children." In his paper the reverend gentleman gave an account of a society he had founded in London under the name of the St. Joseph's Home. The object of this institute was to afford a home for women and neglected children.

The Secretary read a paper from Mr. W. E. C. Nourse "On Infanticide." As remedies the author suggested that there should be a removal of the facilities for all kinds of persons practising midwifery, by the passage of an act of Parliament requiring registration of midwives. Alterations should also be made in the law regulating the registration of deaths. A law should be made for prohibiting or limiting the sale of certain drugs well known to be only used to procure abortion. He also suggested alterations of the law as to affiliation.

The Secretary read a paper by Mrs. Baines, of Portland-place, London, entitled "A few thoughts on Infant Mortality," in which she suggested that institutions should be formed under state aid for the reception of women and children, both as lying-in hospitals and nurseries. They should have the right of the reformatory to repayment for expenses, and the power of detention during the period which may be found necessary to carry out the work of reformation.

After some remarks from Dr. Aveling, Mr. Henry Hill, Mr. Rawlinson, and Mr. Holland, Dr. Lankester said this was a question of much greater importance than was generally recognised in society. During the three years he had been coroner for Central Middlesex he had held seventy inquests each year on the bodies of children found in the streets. If the same proportion prevailed in the other parts of the metropolis, it would give 210 children thus found. He believed for every body found there was at least another not found, which would give 420 children disposed of in this way. The number, however, might be taken at 300. He reckoned that if this were the case that there were in London 12,000 women who had murdered their children, and if the same proportion applied to the country, there were 120,000 in that position. Society suffered in various ways from this population of women with their moral sense impaired. He thought shame and the fear of poverty had much to do with causing women to get rid of their offspring. He strongly denounced the men who, after seducing women, left them to bear all the burden of the sin alone. Formerly the law against women concealing birth was most ferocious, and now it had gone to the other extreme, and was absurdly lenient. Medical men did all they could to shield the women under these circumstances, and the juries allowed themselves to give way to a leniency that lured on other victims, and in so doing they failed in their duty, not only to children but also to the women. The lives of many women were sacrificed by secret deliveries, and they were at least valuable to society, even if persons maintained that children were not. As to the best way of preventing this crime, he suggested an alteration of the bastardy laws as against the men,

and the declaration by the women of the name of the father before the birth of the child. He would also make it a punishable crime to destroy the child before its birth. He did not agree with Mr. Holland in thinking the registration of still-born children impossible. He urged also the necessity of making the registration of births compulsory.

Dr. John Edward Morgan, Hon. Secretary of the Manchester and Salford Sanitary Association, read a paper "On the Danger of Deterioration of Race from the too rapid increase of great Cities."

A discussion followed, in which Mr. Alderman Saunders, Mr. P. Holland, and Mr. Brattan took part.

The remaining papers read at this section was one by Mr. W. Corbitt, of Rotherham, "On Warming and Ventilation;" a second by Mr. Carson, of Liverpool, "On the late Dr. Carson's Method of Slaughtering Cattle;" and a third by Mr. J. P. Blake, M.P., "On the Moral Method of Treating Insanity."

The sittings of the Fourth Department were resumed under the presidency of Mr. P. Urquhart, M.P.

Mr. P. H. Rathbone, President of the Liverpool Chamber of Commerce, read a paper "On the Position and Uses of Chambers of Commerce."

A short discussion on the benefits of Chambers of Commerce followed, in which Mr. Edgar, Alderman Jackson, and others took part.

The Rev. Sella Martin, New York, a coloured gentleman, read a paper under the title of "Free Labour—the Cotton Culture." He gave a very interesting description of the cotton culture in America, and mentioned some of the improvements which had already been introduced since freed labour had been substituted for slave labour in the United States.

Mr. C. E. Macqueen read a paper prepared on behalf of the Financial Reform Association, to show that "Free-trade is incompatible whilst Customs and Excise Establishments exist."

Mr. Noble read a paper "On Fiscal Reform," in which he expressed a strong opinion in favour of direct as against indirect taxation.

A very lengthy statement of the principles advocated by the Financial Reform Association, in respect to taxation, was made by Mr. Jeffrey, Mr. Holland, and others.

Lord Brougham said he entirely retained the opinions he had expressed at the Bradford Congress, on the subject of taxation. He believed there were a number of articles, utterly insignificant in themselves, on which duties were charged, but the collection of which cost nearly as much as the sums received, and which



were vexatious in the highest degree, and highly injurious to the trade of the country.

The Chairman, in closing the discussion, exhorted those who approved of the principles advocated not to despair at the slow progress made in public opinion, and referred to the abolition of the Corn Laws as a source of encouragement.

A paper was read by Mr. George Tatham, Leeds, "On Local Taxation: its Causes, and Suggested Means for its Diminution." Mr. Jeffrey, of Liverpool, and the Rev. Mr. Steinthall spoke on the subject under consideration, and the meeting adjourned.

In the Fourth Department a section was set apart for the consideration of papers bearing on the licensing system, the Permissive Bill, and Sunday closing. E. Chadwick, Esq., presided.

The first paper was read by the Rev. Dawson Burns, London, "On the Licensing System and the Permissive Bill."

The next paper was by the Rev. T. Hutton, M.A., rector of Stilton, and was headed, "The Licensing System, and its needed Reforms." The evils of the public-house system were admitted; the best remedies to be found were the difficulty. The writer dwelt at considerable length on the evils arising from public-houses, and on the "monstrous farce" of magisterial control.

Dr. Martin, of Warrington, read a paper "On the Amendment of the Licensing System."

In the discussion which followed the reading of these papers, the Rev. H. Solly, Mr. Teulon, Mr. Clegg, the President, the Rev. A. Steinthall, Dr. Gale, and Mr. Raper took part. The last-named gentleman spoke of the withdrawal of Mr. Tyrer's license by the Sheffield magistrates at the last Brewster Sessions as being to the honour of those magistrates. The Rev. Mr. Clarke and Mr. Whitwell (of Kendal) continued the discussion, which was closed by a reply from Dr. Martin.

Dr. Martin read a paper "On Sunday Closing, on behalf of the National Sunday Closing Association."

It will be remembered that in the Economy and Trade Department, on Monday, a discussion took place on the introduction of machinery into the file and saw trades, and that Alderman Jackson asked for a definite answer to two questions. 1. If he, as a manufacturer of files, were to introduce machines for the various processes of making them, the union of the trade would not interfere and tell its members to strike? 2. Whether the saw grinders would not oppose the introduction of grinding machines? Alderman Jackson, in some subsequent observations, included the edge-tool trade in his questions. To these questions, on Monday, he did not get a decisive answer. On Mr. Chadwick taking the chair in the same department, yesterday, it was stated

that Mr. Broadhead, secretary to the Saw Grinders' Union, and treasurer of the Association of Organised Trades, wished to make an explanation on the subject.

Mr. Broadhead said that, so far as the introduction of machines was concerned, he could say that the saw trade in its corporate capacity—and in speaking of his own trade he believed he was also speaking the sentiments of the other trades that had been named—would not offer the slightest opposition. But he must be equally candid and explicit upon another part of the subject. If these machines were introduced, the old hands displaced, and strangers brought in their place, such an act would not be looked upon in a friendly manner either by his or the other societies.

Alderman Jackson said he very much wished they could have a similarly definite answer from the other trades he had mentioned. He was sure that the manufacturer would be only too anxious to employ his old workmen, but it would be indeed ridiculous to suppose that he would ever employ a working man to manage a machine knowing that he was opposed to its introduction. Other things being equal, the preference would always be given to the old hands already in the trade.

One of the beneficial results of the meeting of the Association at Sheffield has been the bringing of the working men in contact with many of the distinguished men who have made the study of production, capital, wages, and co-operation, the study of their lives. No one member of the Association exercised a more marked influence than Professor Fawcett. His reputation had gone before him, and the intelligent working men of Sheffield hailed him as their friend. He paid several visits to the great manufacturing establishments, and freely conversed with the masters and the men on the great subjects of strikes and lock-outs, child-labour, and co-operation. On Tuesday evening he was invited to attend a private meeting of the file-trade, which took place in the Temperance Hall, Townhead-street. He, however, arranged that the press should be present. Mr. Greigson, of Sheffield, was in the chair. The Rev. Dr. Sale was also present. Professor Fawcett asked if there was any foundation for the charge of the Union countenancing the outrages which had been alleged against them. This was unanimously denied. With regard to the opposition to machinery, Mr. Cutts, one of the secretaries of the File-trade Union, said "they were not going to assist the machinery to take the place of hand-labour." The Professor then asked their opinions with regard to the employment of children, and whether the trade objected to the introduction of the Factories' Act amongst them. Mr. Cutts said he believed the trade would not object to Government inter-

ference with regard to child labour. A vote of thanks was given to Professor Fawcett, who, in reply, said he had been very much delighted at the spirit and intelligence of the working men of Sheffield, who had thus frankly and openly given him an opportunity of meeting with them, and having a free interchange of opinions on those questions which so materially affected them as working men. He was very glad to hear from themselves in such a hearty and unmistakeable way that as a body they deprecated those outrages which had been laid to their charge, and that as a body they repudiated such acts and discountenanced their perpetrators. He was gratified to find also that they were agreed with him on the questions of the introduction of machinery and the employment of children. There was certainly no harm in voluntary combination among themselves for mutual help, but when such combinations became coercive, then it was an intolerable nuisance, and ought to be curbed and resisted.

A dinner was given this evening by the Mayor to the members of the Association and their friends. About 150 sat down to dinner. After the dinner the company repaired to the Music Hall, where a reception was held by the Mayor, and the ladies attending the Association were invited.

#### WEDNESDAY.

The departments all terminated their business yesterday. At eleven o'clock this morning a Council Meeting was held. In the absence of the President, Mr. T. Chambers, M.P., took the chair. Invitations were received to hold the next meeting of the Association at Manchester, Bristol, and Belfast. The claims of each of these places was considerable. In the first place, Bristol had a claim as the Association had never yet met in the West of England. At the same time it seemed that Ireland had a great claim. The Dublin meeting was a most successful one, and the Association had been twice to Scotland. The influence of Manchester, however, carried the vote. The members of Council felt that, next to London, the moral influence of Manchester was greater than that of any other city in the empire. The two last meetings had been below the average in point of numbers, and it was represented that Manchester would probably be better able to entertain the Association next year than at any immediately subsequent period. It was therefore determined that the next meeting should be held in Manchester.

The concluding general meeting of the Association was held at the Music Hall at two o'clock; Mr. Chambers, M.P., in the chair. At this meeting, Mr. Hastings, the Secretary, read the report, which recalled the more important features of the present meeting, and served as an introduction to the more detailed re-



ports read by the secretaries of the various departments. In moving the adoption of the report, Mr. Hastings took occasion to answer the objections that had been raised against the Association. Those objections, he observed, were somewhat inconsistent; they were told, on the one hand, that the Association was theoretical, and did nothing; on the other, that it existed for merely practical purposes, and had no science. It was curious to find the name of science denied to political economy in the country of Adam Smith and J. S. Mill; and to hear that the researches of Farr and Quetelet were unscientific. Equally surprising was the averment concerning jurisprudence, the study of the highest minds, and which in its practical adaptation to judicial procedure, was capable of reduction to a rigidly scientific form. But looking at social science more widely, it was certain that the growth of human society from its rude elements was due to fixed forces as constantly in operation, and as capable of ascertainment, as the forces which regulate material nature. If, then, there be natural science, there must be social science. With regard to their practical work he would give a few instances. There was bankruptcy, concerning which they were informed that they had only talked and done nothing, and that they had now to go to a Committee of the House of Commons for information. What was the fact? Seven years before Mr. Moffatt's committee was in existence, the Association appointed a special committee to consider the question, composed of delegates from chambers of commerce and other bodies. That committee prepared a Bill, which was introduced in 1859, and embodied the same principles as the House of Commons' Committee now recommended in the report. Take again the Commission on Middle Class Schools, that was issued by the Government in reply to the representations of their Council, who obtained it by a deputation to Lord Palmerston, when no one else would move in the matter. Look at the information on the subject of quarantine, obtained by the researches of a committee appointed by the Association from every country in the civilised world, and embodied in a report so valuable that the House of Commons ordered it to be printed entire as a Blue-book. Then, again, as to trades' unions. A committee sat for two years on the subject, collected information of a kind and extent unknown before, and published it in a large volume. Was that doing nothing? Or was it nothing that, in the teeth of an ignorant opposition, they had obtained the adoption in Great Britain of the principles of the Irish convict system? Mr. Hastings enumerated several other practical results of their work, and ended by saying that even if these things had never been done, the Association would still have been of signal service, inasmuch as it

afforded a medium which did not otherwise exist for interchange of thought and for full and free discussion upon important topics.

The usual votes of thanks having been accorded to the Mayor, the Master Cutler, and the other inhabitants of Sheffield who had welcomed the Congress, the business of the Association was closed.

A large party of the Association having been invited, went by rail to Rotherham, where, after having inspected the factories and town, they were entertained at luncheon.

In concluding our report of this ninth annual meeting of the Association, we think it right to acknowledge how largely we are indebted to the local press of Sheffield, and to say that we have never seen more accurate or more extensive reports of any of our great Science meetings. A glance at our brief record will show how many and important have been the topics brought forward, and with scarcely any exception they have been introduced to the meetings with great ability, and in a style and manner worthy of the high objects at which they have aimed. Scientific principles have been put forward with caution and practical measures, have been advocated with modesty, and free from dogmatism. If the impression has been made on the minds of those at a distance, that the papers were dull and uninteresting, or the discussions wanting in like earnestness or reality, it must be from their defective sources of information, and perhaps one of the most unsatisfactory forms which the criticism of the present day assumes is that of taking partial views of passing events from imperfect and defective information. We hope that our own record will serve to recommend the study and perusal of the valuable addresses and papers, with the discussions thereon, which will appear as usual in the Annual Volume of the Transactions of our Association.

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## THE CHOLERA OUTBREAK IN EGYPT IN 1865.

FROM PERSONAL OBSERVATION.

BY TILBURY FOX, M.D. LOND.

THE anxious eye of public attention has been so firmly fixed upon the nearest local existence of cholera, watching its approach to our shores, and upon the employment of sanitary preventatives, that it has failed to travel away to scrutinise in any exact degree the occurrences that have taken place in the East; and there is much danger that, in consequence of this

omission, some very practical lessons may be lost to us. I have enjoyed unusual opportunities of observing the history of cholera in the East during the present year. Not only have I seen the condition of the country generally, before any sign of pestilence had shown, but also when the whole force of the latter had expended itself, producing in Egypt alone a fatal result in 80,000 instances. In the interim, during the time of gravest events, I became cognisant with many points which must possess, in the estimation of the readers of this journal, considerable interest. I will just sketch, with as light a hand as I am able, the actual state of the country itself, and its inhabitants, and add some explanation of the circumstances under which the present terrible epidemic appeared at Meccah, with the view of drawing some conclusions which may be not altogether novel at the present time.

My attention was drawn indirectly to Meccah at the earliest period of my travel, on the way from Trieste to Alexandria. We picked up at Corfu some twenty embryo holy men, who had landed there from surrounding parts, to catch the line of Alexandrian steamers. They were rich certainly, but very dirty. They slept huddled together at night on the fore-deck, never changing their clothes; ablution was a sham with them; their diet was unwholesome; their toilet slight; and they were plentifully supplied with animal parasites. Landing at Alexandria, I proceeded by way of Cairo to the Nile country, not hurriedly, but leisurely seeing the places of note, as far up as Wady Halfeh and the second cataract. Returning to Cairo, my desert life began. Suez was the starting-point to Mount Sinai, thence across the desert of Tih to Hebron, where the first news of cholera reached us, a narrow escape for quarantine, and a day's journey brought us to Jerusalem. Jericho, and the Jordan country near; Nabalus, the parts about Mount Carmel, Tiberias, Banias, and the Hermon range; Damascus, Baalbec, Lebanon; and lastly, Beyrout, were in our line of march. Thus the condition of the people and country was under observation for a considerable time.

I have frequently thought that there is but one thing that saves the people—the fact of their living so much in the open air, and of course their not being over populated. The people live badly; lentils, bad rice, sour bread, and sour milk form the usual diet; the relish consists of garlic and onions; the dessert of a little coffee and much tobacco. Ablution and change of clothes may be attempted, but scarcely affected; drainage and ventilation are fairly unknown; dead carcasses lie about in the public places; the water supply is of course polluted and full of impurities, often brackish, and, to an European, undrinkable;



the meat is pale and flabby; fish is eaten in an unwholesome state; and there is a nauseous compound made at Cairo especially, called "fasciah"—the quarter where it is manufactured simply stinks. The dryness and heat alone save from continuous pestilence. Such are ordinary conditions; but very unusual influences have played upon the whole people. The cattle murrain has during the last two or three years overrun the whole of Egypt, the poor creatures have no cattle worth mentioning, and at the present time no bullock is allowed in the upper parts of Egypt to be killed for food. Some of the people will eat anything. At Wady Halfeh I positively observed some of the Khartoum blacks feasting on the meat of the camel, and I suppose the latter had not been killed with that object, but had died of fatigue or old age.

There has been a wonderful variation in the range of temperature in the East; indeed the heat, as in other parts of the world, has been comparatively excessive, the weather sultry, and the cold at night particularly marked. Heavy dews have been especially prevalent, and misty clouds hovered for days together over the lower mountain ranges and seaport towns. Hot winds, too, have been frequent and enduring—"chamaseens," as they are called. The Nile, unusually low, has exposed its muddy banks and boundaries beyond the ordinary degree. The whole water supply throughout the land of Egypt and Syria has been very scant, and in consequence stagnant, impregnated with vegetable impurities and refuse of all kinds, animalculæ, and dirt, held in greater or less suspension. The vegetation of the whole country has been completely devoured by the swarms of locusts which have visited all districts from north to south. The pretty garden at the convent of Mount Sinai—the first spot of notoriety where a halt was made—was stripped completely of every green leaf; what fruit there was, was blighted and had shrivelled away. A sad sight truly it was, to see the groves of fig-trees devoured as by fire. The annihilation of oxidising agency in this case must have had a most pernicious effect upon the state of the atmosphere generally. All the necessaries of life of course were very dear.

The depressing influences already mentioned tended inevitably to produce a bad "epidemic constitution" amongst the people. The miserable villages of wretched low mud hovels were on a par with the uncleanly, sloppy, close, and ill-drained quarters of Alexandria and Cairo, where the ravages of cholera first awakened alarm and attention. Co-existent with this state of things was the consumption of enormous quantities of fruit—eaten throughout the country never in a ripe state, it is considered to have some flavour when it is unripe—figs hard and leathery, shrivelled

apricots, water-melons, and cucumbers by the dozen were relished to an inconceivable degree.

It is not difficult to see how utterly unfitted were the people, pulled down as was their average condition of health below par, to undergo the privations and intense fatigue of a pilgrimage. In years of ordinary personal circumstances, and conditions of external influence, many pilgrims die from the effects of the heat and journey before they reach Holy Arafat, and this is particularly the case with the Indian pilgrims, than whom there are no more miserable examples of humanity living. This year the scarcity of water was something unheard of. I know as a fact, that on the return from Meccah of 160 pilgrims, who detached themselves from the caravan in search of water, making their way to Safed, only one survived. At Meccah, in May, were collected together at the Feast of Kurban Beeram 700,000 poor wretches, each of whom was required to sacrifice an animal of some kind at the shrine of Mohammed, no precaution being taken to disinfect or inter the refuse and remains of these animals, or of the pilgrims together assembled. It is hardly possible to conceive the combined effect of the aggregation of such a mass of living beings, after undergoing want and fatigue of every kind, reduced by excitement, and played upon by the very worst hygienic conditions in an aggravated form, and breathing the putrefactive exhalations of 700,000 carcasses.

Now did such a state of things *breed* or *generate* cholera at Meccah? We are well assured that low fever, dysentery, and diarrhoea follow in the wake of such influences. How fares it with cholera? Before answering this question, it is as well to be reminded that a law is observable in regard to such epidemic and specific maladies as cholera. They are composed of three primary causative conditions: *a*, the existence of a special poison; *b*, a mode and means of transference; *c*, a favourable and fitting state of soil for the full play of the former. Now, how did the unusual influences at Meccah act? Generate the poison of cholera, or rather render the whole community more apt to develop the seeds of cholera? The latter is much the more likely and certain. But how, and upon what evidence, are we assured that the cholera got to Meccah from other sources? The source, I firmly believe, was India, and the means of transfer, the Indian pilgrims. If we will take the trouble to examine this matter, we shall certainly conclude that the modern pilgrim's progress exhibits him in his true light as a cholera-conductor. He starts from his native place to Djeddah, or some other spot on the Arabian coast, huddled together with a host of his fellows on board ship, and never in any way cares for his comfort or his cleanliness. His clothes, which are never changed, may be saturated with sweat, or be wet

with the night-drops, which in effect are like a shower, and, parched by day in the sun, he forms the best holder of miasm, or virus, it is possible to imagine. He lands at Djeddah, his companions die off, still he manages in all his filth to reach Meccah, as though the very poison which hovers in and without him refused to attack him. I call this man a cholera-conductor, as I would call a rod of iron a lightning-conductor. Now this is not a mere poetical picture. What actually happened? Before any gathering had taken place at Meccah, cholera had attacked the Indian pilgrims on their way thither. In one ship alone off Mokullah, on the Arabian coast, 80 died from indisputable cholera. Many died at Djeddah and adjacent parts; the remainder went on, their ranks being thinned by the destroyer in their progress, and the seeds of the disease were silently carried at last to Meccah itself, to produce the awful results that we have heard with terror and anxiety. It is clear that cholera poison could be brought, and indeed must have been brought, to Meccah from India. If it be asked, could not cholera have existed or been produced independently at Meccah? we reply, it could scarcely have been generated there. Cholera is what is termed endemic (peculiar to certain localities), and India is the breeding spot or nursery from whence, however, it may be carried by wind, ship, or individual, and acclimatised, so to speak, elsewhere; but, in the present case, the conditions favourable to the latter had not existed, and we have undoubted fact to prove its transference from India. The state of things at Meccah produced such an epidemic constitution as was most ready to receive and develop any septic virus. A little leaven leavened the whole lump. Is not this the exact behaviour of the disease since it appeared at Meccah? Has its essence not been introduced, carried to Alexandria and other parts of the East, and from thence to every place in Europe since infected? It is highly important that we should in this and like cases lay great stress on the endemic source of epidemic poisons. The cattle plague illustrates the same law. It is an importation to us from its endemic habitat. It and cholera may, like small-pox and scarlet-fever, become acclimatised; at present it is not so. How much it is to be regretted that the all-powerful voice of our leading daily journal should teach otherwise! Caustic and garrulous enough at the supposed want of knowledge on the part of scientific men, it has shown itself utterly heedless of the motto, "*Audi alteram partem*," and, in the very teeth of opposite opinion based upon hard facts, it has laboured out of its way to uphold the theory of spontaneous development, and not only shown itself unfit to be trusted with science, but it has actually been a hindrance to truth. How generated in its endemic source, whether by a deficiency of ozone or other atmo-



spheric change, is another point. We can trace its place of existence, the means of its transference, and its ready reception.

What may we learn in a social point of view as regards ourselves. Cholera, as regards Europe, would be made a nonentity, if measures were adopted to strangle and stifle its first appearance in Arabia, and to prevent its transference from India; but here is the difficulty, and it will not be effected in the least degree, unless the principle clearly recognised is freely acted upon with almost tyrannical zeal. An International Congress will assemble at Constantinople. Difference of opinion and theory, conflicting interests and political considerations will assuredly cripple the good effects that might result, unless great caution be exercised. Some suggestions have already been adopted. The Viceroy of Egypt has established a hospital at Suez, but this will only catch a few of the pilgrims after the chief mischief is done, and only those who come by the one route to Egypt. The grand preventative line of action is clear, and it is composite in detail. Alter the hygienic condition at Meccah, and you lessen the chance of the development of any cholera poison existing there, in addition try and prevent the transference thither, by placing the conveyers, or "cholera conductors," arriving from cholera hotbeds, under some strict observation and regime; get them, too, into a better state, by good food and other necessities, and you lessen the chance of an outbreak to the greatest possible extent. More would be effected by the establishment of sanatoria at Djeddah and adjoining parts, for the use of pilgrims going to, and not returning from Meccah, and by the appointment of a small staff of medical officers, with one intelligent head in full command, in the spots named, to overhaul the Indian pilgrims, than by all the commissions in the world; for I fear very much that all the governments will act in concert, in accordance with the idea that cholera was generated *de novo* at Meccah, and in its appointment of delegates, will consider those who hold the different view I have here explained, as under the influence of error, and therefore unfit to take part in the common deliberations. It is also important that the members selected to join the commission, should be cognisant of the habits of the people, and the peculiarities of the climate of Egypt and Arabia.

Will cholera visit England? Has it as yet in its true Asiatic form been amongst us this season! Of course it is difficult to define the line between mild cases of cholera and allied disorders, such as diarrhoea. In the transference from India to Meccah, cholera meets with countries favourable for its development in its severest degree; but in reaching Europe, the poison encountered a better (as regards health) state of the community at large, the resistance was greater, and the reception not so cordial, *quoad*

the epidemic constitution, the quality and quantity of the virus diminished in intensity, and accordingly the epidemic in Europe has not been so severe. In transference cholera tends (the circumstances being favourable) to lose some of its power, hence the lesser examples approach more to severe diarrhœa cases. Diarrhœa, we must remember, is a symptom of many diseases, and scarcely an entity *per se*. We are supposed to have had cholera at Southampton and at Epping. Most of these cases would certainly not be called true Asiatic cholera by those who have seen the disease in the East. We have all heard of acute cases of poisoning, exactly resembling cholera, by various articles of diet, stale fish, mushrooms, high game, and the like. Vomiting, diarrhœa, and collapse, and finally and quickly death, have ensued. The same may occur from, as in the Epping or Thoydon cases, the extensive poisoning of the water from drains and water-closets, and sufficient it was, in the instances named, to kill a household. I would only call attention to one point. In what are called severe cases of diarrhœa, the collapse is rather the consequence of the diarrhœa, whereas in cholera, it has no necessary connexion therewith, and is evidently due to the virus primarily. It would be better to use the term cholerine for the medium class of cases, and reserve the awful word cholera for those instances in which collapse appears to be the first state developed, independently of the diarrhœa. At present we have had no such cases as occurred in Egypt, where a man walking along, apparently in good health, gets a dose of poison which fells him then and there, producing collapse, cramp, perhaps convulsions, and speedy death. But shall we get cholera? From France we hope not. In the spring, if it hovers about the Continent, it will be an anxious consideration. By way of Austria and Prussia it may reach the northern coasts, and be easily brought to us at the Tyne, by way of Denmark or Russia. Knowing this, it is right to persuade as to the line of conduct that we should adopt, guided by the threefold composition of the epidemic, which has been dwelt upon so briefly, viz., the poison, its transference, and the state of the soil. Of the two former I need say little; of the latter I must say a few words, and urge, in the little space allows me, with the gravest conviction.

If the cholera comes, will it find our poorer brethren armed against it? The murrain amongst our cattle has placed meat beyond their reach, the cold winter is almost before us, though a wet season may precede it. This means, to the poor, hard times—a cold, fireless, damp home, scanty or no employment—deprivation and depravation of the common necessities which keep the thread of life a little way from fracture. Where, at Alexandria, at Cairo, at Marseilles, did cholera first get a hold

if not upon the poorest and neediest? In defending the poor we defend ourselves. Their case cries loudly enough to us for help. Preach sanitary measures as much as we will, they will avail little unless we give them a foundation in the shape of employment and work. The excellent Minister of Public Works in Egypt lost but eight out of eight thousand hard-workers on the railway works. He fairly attributes it to the fact that he did not allow them to fatigue themselves, especially in the mid-day, and he supplied them regularly with good and wholesome food, such as soups, rice, and meat—*without stimulants*. The gin-palaces of London are the cholera's greatest friend. The ingress of cholera is to be prevented by the employment of those means which keep up the resistant power of the individual. Let this be more readily felt, and infuse into the public the germ of some philanthropic movement which, set in motion, shall devise a scheme by which the poor, during the winter, shall be, in conjunction with house to house visitation and the use of disinfectants in threatened districts, fairly employed and properly fed. Food, not stimulants, keeps up the heat of the body, which is found, by the experiments of Russian investigators, to be one of the earliest signs of that condition of body which precedes the development of an attack of cholera. The matter of contagion perplexes many. Given a cholera patient, and you are near him, if you are in a fitting state, you *may* receive the poison and get cholera; but this is wholly unusual. Crowd people together, and let them be in an ill-fed state; you increase the dose of poison and favour in every way its reception. *It is a matter of degree*, and no absolute answer can be given. Cholera is, however, never (for practical reasons, we may safely affirm) caught, unless there be some special concentrating causes of poison or lowering influence playing upon the body itself.

Preventatives of a special nature as regards the individual, deserve one word. In the time of cholera, the Eastern fashion of an additional belt or scarf around the waist and stomach is of considerable benefit. It keeps the abdominal circulation in a guarded state. Disinfectants destroy the food of cholera poison. Fires in the house—and here the case of the poor calls for notice—do certainly act as a great protecting power. I would also add that, in time of danger, make some little change in your ordinary mode of life. Shun, by all means, any free use of stimulants, and instead of your three, make four meals a day, and let breakfast be a plain one but a good one, animal food being the chief thing.

The establishment of dining halls for the industrial classes is at this time a social movement that claims our warmest sympathies.

As regards actual treatment, I would only say, as the result of all my experience in the East, that the medical men of England



are better prepared and more fitted to undertake the treatment of an epidemic than are those of any other country. I have learned this much at least. Many and various are the recommendations given us. The *Lancet* well writes:—"We look with suspicion on all single remedies, and were we a cholera patient we should pray to be delivered from the man with only one idea." Absorbed in one idea, he positively forgets what the simplest common-sense demands, and his patient slips through his fingers from unintentional forgetfulness. Cholera is a matter of battle between a certain poison, which varies in quality and quantity, and the resistant powers of a man's body. The effect produced varies in each case according to many different circumstances, and he who is most fitting to treat is one who, though he may give preference to one agency, yet acutely scans the surroundings and general character of his patient, and acts accordingly.

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## ON THE CATTLE PLAGUE.\*

BY PROFESSOR GAMGEE.

**T**HERE are probably not a few here assembled who will participate in the feeling expressed by the learned chairman of the public section of this Association, that the present meeting should not be permitted to disperse without special reference to, and some discussion on, that all-absorbing topic—the Russian cattle plague. This most malignant of all fevers is one of the indigenous maladies of the East. From time to time, during centuries past, it has lurked in the Asiatic and European steppes, killing slowly the rude grey oxen of the Russians, and exterminating the cattle of districts and countries to which it is usually foreign, and into which it might be accidentally introduced. There is some ground for the belief that the pure breeds of eastern plains enjoy some immunity against the disease, and it is the frequent mildness of its attacks in the herds of the Cossack and the Tartar that renders not only possible, but tolerably easy, the conveyance of infected herds from their original homes to parts where their introduction may lead to wide-spread mortality and famine. Not unfrequently the active agents in the propagation of the plague have been droves of sick oxen dying on the roadside, and otherwise indicating their real and very dangerous condition. Such, indeed, was the case during outbreaks noted in history, and which occurred in the thirteenth, seventeenth, eighteenth, and the present centuries.

\* This paper was read before the Department of Public Health, at the Social Science Association, Sheffield, Oct. 7, 1865.

The campaigns of the First Napoleon in central and eastern Europe are memorable for the facilities they afforded, owing to the active movements of prodigious forces engaged in war, for the dissemination of the cattle plague over the greater part of the European continent. With imperfect means of transport, the presence of large armies in hostile countries, it was often necessary to provide thousands of oxen for the transport service, and the supply of animal food for the soldiers. The system of trading and intermingling of stock thus fostered could not fail to afford the best chances for the propagation of 'contagious disorders; and, all absorbed with means of offence or defence in relation to each other, the people of various countries had little chance of adopting rational and efficient means, whereby to arrest the progress of the Rinderpest. The battle of Waterloo not only sealed Napoleon's fate, but amongst the unknown blessings it bestowed on us, was protection from this dreaded pestilence. A long period of peace resulted in the promotion of agriculture, as of other useful arts. Government fostered measures which might in ordinary times protect countries from bovine epizootics, and the disease which in 1814 swept away the herds of Germany, Switzerland, and France, fell back into its old haunts, and has committed less havoc since. The remarkable outbreaks of 1830, 1841, 1844, 1849, 1857, and 1863, wide in their distribution as they no doubt were, could not be compared to some of the older ones; and, instead of following the cannon's roar, they appeared silently on the great roads of commerce, and mostly in a direction from east to south-west, into Egypt or across Turkey and Hungary, as far even as the Pontifical States. The periodic extensions of the malady in the lines of communication established by trade, led to our attention being forcibly directed to the subject, as the importation of foreign stock increased in this country. We knew that so soon as any direct communication was established by cattle-dealers between Russia and England, the murrain of the steppes could not fail to be imported. This opinion we expressed repeatedly, and even indicated that the malady would reach us through the Baltic. All we wanted was that any cargo of cattle direct from Russia should be subjected here to regulations such as those which are in force in Austria and Prussia; but we were freely told that, until the cattle plague came no one would be convinced of the importance of, or necessity for, such measures. The cattle plague has come; it has reached us through the Baltic; and, though we may return the compliment to the Russians if they now want breeding stock, it is evident that ere this the ports should have been closed to direct importations from Russia, even though we were only shutting the door after the steed was stolen. There is much reason for regret that the public

press in this country has in too many instances attempted to throw discredit on those who have insisted on the truth that the plague now destroying our cattle is, and only could be, an importation from Russia. As we are compelled to trace plagues in men and animals to their origin if we wish to devise means for their prevention, it is evident that in relation to the present outbreak it was necessary to ascertain all we could as to its cause. To those who have studied the cattle plague in times past—to those who have fathomed the literature of the subject, and not only seen the disease abroad, but mingled with men who have had the greatest amount of experience respecting it—no other view could possibly meet with favour but that which ascribed the malady to direct or indirect importation from Russia. It is certain that to the west of the Czar's dominions the plague never originates spontaneously. That is a truth as much established in the minds of scientific men as the preservative influence of vaccination against small-pox in man, or the purely contagious character of the sheep pox. When I first saw the steppe murrain amongst the cows of the London sheds, on the 29th of July, I knew that the disease must have been imported. On making inquiries we found that a cargo of Russian cattle and sheep had been brought from Revel to Hull. It was the first cargo that had yet come direct to us from a Russian port; and fourteen days after a portion of that cargo was first exposed in the Metropolitan Cattle Market, the strange disease was seen in Copenhagen-fields. This fact alone was startling, and satisfactory enough. The result bore out the predictions that had repeatedly been made, and we proceeded somewhat further to strengthen our belief in the fact that the disease really came through the Baltic. An agricultural society in Esthonia had agreed to supply a certain number of cattle and sheep, free, on board a steamer at Revel. That society had insuperable difficulties in fulfilling its contract, from the scarcity of oxen fit for the London market. The terms of agreement with the London salesmen were, that the animals were to be supplied free on board, fit for the London trade, but many of the cattle did not come up to the proper standard of weight and fatness. The number supplied was short, and forty-six animals were obtained from St. Petersburg to make up the cargo; but their condition was so bad that only thirteen of them were chosen by the person representing the London importers. Of all the cattle brought to Revel to be shipped for London, three had to be slaughtered diseased by a butcher, a fourth died in the yard before being delivered on board, and an action was brought against the English agent for the price of this animal, which he would not, and did not, pay. A fifth animal showed signs of illness on the passage, and when the cargo arrived off a Danish port, a letter was sent from the



London salesman intimating that "the things," meaning the cattle, should be taken to Lowestoft, instead of London, so as to avoid the doctors. For some reason or other, they were afterwards landed still farther from London, at the port of Hull, and there subdivided for sale at different markets. One-half left Hull for London at once, and that half propagated the disease. Why the other half did not do so is of no importance to us, as we constantly find, in tracing contagious diseases amongst cattle, that, two farmers having bought a herd between them, the one-half purchased by one man remains in health, and the other half dies. The cattle sent to London stood in the London market on the 1st of June, and some of them were exposed again afterwards for sale. They must have communicated the disease to foreign cows near them, for it was these cows which conveyed the malady into the London sheds. On the 24th and 27th of June, the plague was already raging in different dairies, and since then it has been widely disseminated. I am perfectly satisfied of the evidence at my disposal on this question, and some of which I need not enter into further on this occasion; but it may probably be thought that our Government should have caused inquiries to be made as to the whole history of the cargo from Revel, and not through consuls, but through competent veterinarians and others who could be trusted to sift the question thoroughly. The chance has been allowed to slip, as the Esthonians are now not likely to divulge what might injure their prospects of trade in future, and interested parties have taken proper precautions to place people on their guard. For me the strong points in the case are: Firstly, the previous knowledge of the fact that the disease could only reach us through the Baltic; secondly, the fact that the cargo imported last May were the first direct from Russia; thirdly, the slaughter and death of cattle at Revel, and the sickness of an animal on board the ship; fourthly, taking the animals to a port distant from London, so as to avoid the doctors; fifthly, and lastly, the manifestations of the plague just after the animals had been exposed in the Metropolitan market. I have thought it proper to enter at length into this statement, as there are many people who have been seriously misled by the fancies and suppositions of those whose knowledge of the cattle plague is of the most superficial description. Some may still think we are too positive in our assertions on this point, and there are those who charge us with want of modesty for openly asserting what we believe to be the truth in relation to the origin, process, and prevention of the cattle plague. Unfortunately, we well know that veterinary science in this country has been most imperfectly taught and studied. We are free to admit that on a host of subjects there is occasion for deep regret that so little has been learned, and we are conscious of the fact that extraordinary

efforts are required to raise the status and improve the knowledge of the veterinarian. But we are asked to confess ignorance on the disease now ravaging our herds. We are told "that there is no existing disease respecting which medical men would dogmatise so unhesitatingly as the veterinary surgeons have done respecting the cattle plague;" and we are told "that the doctors are looked up to because they have done good work, because they have diminished the fatality of our human diseases, and are daily at least endeavouring to acquire new victories over nature." Now, gentlemen, at the risk of being deemed ostentatious, I repeat that the ignorance has existed on the part of those who have done all they could to weaken our influence in the eyes of the world. There is scarcely a medical subject on which you would engage to find a hundred of the best men that can be had, unanimous in their opinion; but we have had congresses with nearly two hundred of the most learned veterinarians in Europe, where, on the subject of the steppe murrain, no difference could be said to exist. It might be positive assertion, it might be dogmatism, that the disease was incurable, that it was also propagated by contagion, and that to diminish its ravages we must slaughter the sick and infected; but the verdict of the best men in the world, medical and veterinary, is unanimous on these points. That verdict is as unanimous as any conclusion would be at a meeting of doctors if the subject of human small-pox was broached, and the invariable origin of this disease in contagion, and its prevention by vaccination, were discussed. As Professor Seifmann justly observes in his report, just published, if we could cure the cattle plague, it is doubtful whether we should venture to do so, considering the danger of thereby keeping up many sources of contagion. As to the curability of the disease, we have had some experience during the present outbreak. A small proportion of the animals subjected to medical treatment have recovered. We have treated many, and left many to take their chance. *The result proves that those left to themselves have done as well as those that have been treated with all the remedies suggested from the commencement.* The chance of cure depends altogether on the severity of the attack, and whenever attempts have been made to follow up a considerable number of cases, and treat them carefully, the result has been a mortality varying from eighty-five to ninety-five per cent. It is not astonishing that cures have been advertised, and wonderful results announced. The recovery of one or two apparently desperate cases encourages experiments as to treatment, but, so far as our experience has gone, the prosecution of trials has resulted in loss and disappointment. From the commencement of the outbreak one of my principal objects has been to discover how we might determine, before ordinary observers,

that an animal had the disease. If remedies can be found to prove of service, they must be applied before the changes of structure are so far advanced as to render it impossible to restore health. So far as my observations now extend, I believe that from twenty-four to forty-eight hours before any very obvious signs of ill-health, such as dulness, loss of appetite, &c., are observed, it is possible to indicate that animals are under the influence of the malady. I have no great hopes of success from treatment even at this early stage; but all will admit that it is something to have ascertained how, at the earliest possible moment, sick cattle may be distinguished from diseased. Before entering on the proposals made for the prevention of the cattle plague, I may be permitted to allude to the contrast offered between veterinarians and doctors, by which it is implied that we have done nothing to acquire new victories over nature. On former occasions reference has justly been made to the manner in which, under proper organisation, no less deadly a disease than glanders in horses has been well nigh banished from our cavalry stables. This has been a victory over nature, but it has been due to the early slaughter of sick and infected animals. When small-pox ravaged our flocks in 1862, treatment, inoculation, and vaccination were resorted to, until I called the farmers together and told them how to kill out the disease. In three weeks the malady was stopped. This year the small-pox broke out in Sussex, and, as the disease was no less imported than the steppe murrain, the early slaughter of diseased animals at once extinguished every trace of the pest. Having ascertained that it was the true Russian plague which had reached these islands, we hesitated not to advocate the means found most efficient abroad of preventing contagion, and killing the sick. We were at once met by doubts expressed as to the origin of the malady, and assertions stated as to its dependence on conditions of the atmosphere. Government said it lacked powers to control the progress of the malady, and I suggested the formation of a national association for the prevention of cattle diseases. At once steps were taken to diffuse useful information on the disease, and calls made upon civic authorities, railway and steam-boat companies, &c., to aid local insurance societies, came into favour. I attended various country meetings to show the fallacies of local associations, and the justice of my remarks has been amply vindicated by the letter from Sir James Kay Shuttleworth in the *Times* of the 5th instant. A fortnight back, at Northampton, I spoke of the importance of a Government cattle insurance system. From the commencement I have been opposed to any indemnity from the public purse, and it has been my endeavour to show that, if Government were properly guided in this matter, it could meet the difficulties of the case, and secure control over stock for the



effectual suppression of so virulent a malady as the one now raging. It is true there are other measures to be adopted, and gross abuses to be corrected. The one measure not to be advocated is diverting the energies of veterinarians to the cure of the disease. Adopt this course, and there is an end to any proper action whereby the plague may be banished from Great Britain. Turn to the written histories of typhus and yellow fever, of human small-pox and cholera, and tell us what has been done by curative means. The doctors who have gained victories over nature have gained no victories over these maladies but by the adoption of preventive measures. Animals can be dealt with differently to men, and a hundred outbreaks of cattle plague might be quoted to prove that to kill is to save the lives of thousands and tens of thousands. To spare the knife implies propagating and perpetuating the malady.

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## ON THE PROTECTIVE DUTIES OF AMERICA.

By J. NOBLE, Esq.

**T**HE present position of the United States resembles that of Great Britain at the close of the French War. They have emerged victorious from a gigantic struggle for national existence, burdened with an enormous debt, and, consequently, with largely increased taxation. The easy tariff which, before the war, was more than sufficient to provide for every purpose of government is now exchanged for a complicated and costly system of customs and excise, which not merely taxes every citizen for the maintenance of the Government, but levies an additional heavy impost for the benefit of certain protected interests. In this they have followed closely the example set by Great Britain under similar circumstances, and afford another proof of the fact that nations, like individuals, learn wisdom not so much by the example of others as by their own experience.

Two fundamental errors, now happily exploded here, underlie the American tariff; the first, that it is necessary, in order to obtain a large revenue, to impose a multiplicity of taxes; the second, that national prosperity can be fostered by protective duties. The lesson that we learnt through a long and painful experience has yet to be taught our American brethren. They do not understand that it is for their own advantage to purchase of foreign producers such articles as they can obtain more advantageously from them than from their own countrymen. They do not see that their favourite dogma not only strikes at the root of all foreign commerce, but, by diverting capital and

labour into less productive channels than it would naturally be employed in, prevents the accumulation of national wealth.

The Government of the United States does now what that of Great Britain did till a comparatively recent period. It taxes everything produced at home or coming from abroad that man can eat, drink, wear, use, or that can be used for him between the cradle and the grave, or in the grave. It also endeavours to protect everybody against everybody else, and especially against the foreigner. Hence it not only taxes home produce, but places protective duties, varying from twenty to fifty, and in some instances even reaching seventy-five, per cent. upon all foreign imports. The fact that such a system of taxation vastly increases the burden upon the tax-payer, and at the same time lessens his ability to bear that burden, is clearly not understood.

The principles of political economy, however, are not dependent upon latitude and longitude, but, like all truths, are universal in their application. America may learn the certain effect of her present system upon her trade and resources, by studying the fiscal and financial history of Great Britain. It may be true that she has vast internal resources which will prevent this policy from affecting her for many years in such an injurious manner as it did Great Britain. The same results will, however, sooner or later, most certainly be felt; and unless she learn wisdom from our experience, and revert to a more rational system of taxation, she will infallibly feel the effect of protective duties and high taxation, in crippled commerce, depressed manufactures, and a suffering population.

It was observed by Sydney Smith, that, in the arithmetic of customs, two and two do not always make four. It is equally true that the subtraction of duties leads to the multiplication of revenue. Since the year 1842 we have repealed and reduced taxation amounting to about 20,000,000*l*. The result has been that while in 1841 and for several years previous we could not raise a revenue of 50,000,000*l*., we have since been able to raise, with comparative ease, one of 70,000,000*l*., and have at the same time provided year by year a considerable surplus available for the remission of taxation. High duties and a large revenue have been proved by our experience to be incompatible; the only method by which the latter can be attained is by reducing the former to a minimum, so as to leave the sources of wealth as far as possible unimpaired.

The secret of the present American tariff is to be found in the tenacity with which the principle of protection is maintained. This delusion is there, as it was here, the keystone of their finance; once removed, the fabric will speedily fall through its internal weakness. Protective duties, it is urged, are necessary to enable manufactures to survive their infancy, and cannot be

dispensed with till they have reached maturity. It would be as reasonable to place crutches in the hands of a child learning to walk, and expect it to dispense with them when grown up. There is no greater delusion than the belief that our manufactures were fostered by protective duties. On the contrary, they were always the bane of our industrial population.

One of the most valuable exponents of true principles of taxation, is the report of the Import Duties Committee of 1840. This valuable document proves, on the most indubitable evidence, that all restrictions upon commerce are the most prejudicial to those who impose them. It was clearly shown that our most highly protected manufactures were the least flourishing, whilst those which were most subject to competition enjoyed by far the largest amount of prosperity. The evidence of our principal merchants and manufacturers, and of the ablest officials connected with the departments of trade and customs, unequivocally condemned all protective duties.

The real effect of protection is seen most clearly in the case of those interests for whose especial benefit it was long maintained in this country. Agriculture, which long enjoyed a complete monopoly, made little progress prior to the repeal of the corn laws. We have it, on the evidence of Mr. James Caird, the special commissioner sent by the *Times* newspaper in 1851 to report upon the condition of our agriculture, that the same processes were then in vogue in many districts that were described by Arthur Young eighty years previously. Good farming was the exception. Now all is changed. Competition has stimulated the energies of the farmer, a new race has sprung up which has thrown aside the traditions of the past, and has brought science to their aid, and introduced improved processes of cultivation. Protection was also equally inefficient to secure prosperity. During the era in which it reigned supreme, the farmers were always complaining of distress, were constantly coming to Parliament for relief, and demanding abatements of rent from their landlords. This is not now the case. Not only have agricultural processes been improved, but the farmer is almost uniformly prosperous, and rents have advanced to an unprecedented extent.

The same facts are true of the shipping and colonial interests. The tonnage of British shipping, which was nearly stationary between the years 1815 and 1842, has since that period nearly doubled, notwithstanding the repeal of the navigation laws in 1846. The returns of our imports of sugar and coffee from our colonial possessions also show that they have not suffered through the withdrawal of the protection they had so long enjoyed. The records of the last quarter of a century show an increase in the total foreign trade of this country of 315,337,750*l.*, and of exports of British produce and manufactures of 63,033,576*l.*



This, however, is not the whole advantage we have derived from the trade. The repeal of the excise duties on soap, bricks, glass, paper, and other articles has largely stimulated these branches of trade. In glass especially, a most marked advance has been made. This was apparent in the Exhibition of 1862 as contrasted with that of 1851. In the former year our manufacturers were beaten completely by foreign exhibitors, but in the latter the relative positions of the British and foreign manufacturers were completely reversed. The general prosperity and diffusion of employment has moreover increased every department of trade, a fact sufficiently attested by the increase in the number of persons employed in manufactures between the years 1841 and 1861, which has more than doubled; while the increase in the population during this same period has been only twenty-five per cent. This increase has also been attended with higher wages for labour, larger profits for capital, and advanced rent of land.

These facts are so apparent and universally admitted, that it is unnecessary to enlarge upon them. The most pertinent inquiry in considering their bearing as regards America is, whether there are any peculiar circumstances which render protective duties desirable or necessary in that country. We are satisfied there are none, but, on the contrary, that in her case free trade is essentially requisite. The magnitude of the debt, and the difficulty of restoring finance to a sound basis, render the abolition of all impediments to exchange peculiarly necessary. When there is a strain upon the resources of a country, it is peculiarly unwise to weaken the source from which they are drawn. Protective duties are maintained for the supposed benefit of certain classes, they are no advantage to the general community, nor, judging by our own experience, are they any real advantage to the protected interests. They may maintain an unhealthy branch of industry, prop up manufactures which would not otherwise exist; but they uniformly cause the manufactures so protected to rely upon the supposed advantages thus conferred, instead of upon that skill, ingenuity, and improvement which can result from free and unrestricted competition. They ensure for the consumer the worst possible article at the highest price, and provide artificial helps for the producer, which he is less able to dispense with the longer they are maintained. It is the period of transition from restraint to freedom that is the period of suffering; it is by the removal of protection alone, that any trade or manufacture can be rendered prosperous, and placed upon a sound and healthy basis.

There are, however, peculiar features in reference to the United States, which render protective duties exceedingly impolitic. It is at present the great producing country for cotton, rice, sugar, tobacco, and corn. These are the articles which are

produced most readily and in greatest abundance, and consequently those which can be produced with the greatest advantage to themselves, provided there is a market for them, and which will consequently yield the greatest profits. To place protective duties upon European manufactures is, therefore, to place impediments in the way of her natural trade, to restrict the sale, and consequently the production, of her best paying articles, and hence to impoverish the national resources. Moreover, the possession of a large seaboard, and an enterprising maritime population, peculiarly points to foreign commerce as one of the most important sources of American wealth. Unless the immense Southern and Western States have free access to the markets of the world, their growth in prosperity, wealth, and civilisation, will be effectually hindered.

This question of free trade assumes a most important aspect in reference to the re-settlement of the southern states, and the employment of the four millions of free negroes, who are now thrown to a large extent upon their own resources. We cannot conceive any plan more likely to induce the negro to labour, and to replace by free labour the system of slavery, now happily at an end, than the adoption of a perfectly free trade.

By this means alone can the negro population enjoy the fruits of their labour, and be most certainly induced to settle down to steady persevering industry. Freedom for man is incomplete as long as there is not freedom for his labour, and it is by opening up the widest field for profitable employment, that the negro will be elevated and made fit for the rights and duties of citizenship. Nothing can retard this desirable result more surely than restrictions upon the exchange of his productions, thus shutting him out from the markets of the world, and especially from those of the densely-peopled continent of Europe. The great grain-producing districts of the West have also an equal interest in this question of free trade, and, if they are wise, will unite with the South in securing a free outlet for the productions of their industry, by removing all restraints upon the importation of foreign produce and manufactures.

We do not despair of seeing this great change inaugurated even in a few years. Already the note of preparation has been sounded. New York possesses a Free Trade Association which advocates the soundest principles, and which we cannot but hope is destined to work out this peaceful and bloodless revolution. The Americans are hampered with no traditions to obstruct their progress; they have no powerful and predominant class specially interested in upholding protection. They are an inquiring, thinking, progressive people; we therefore believe that the force of truth, disseminated throughout the land by a free press and a free platform, will so educate the public mind, that in a few short

years protective duties and high tariffs will be things of the past. We shall rejoice in this, not merely because our own trade would be increased, and because growing commerce between America and ourselves would tend to preserve friendship between the two great Anglo-Saxon communities, but especially because we believe that the greatness, the prosperity, the internal peace, and perpetual union of the American republic will be most surely and certainly promoted by the abolition of all restrictions, and the establishment of perfect freedom of trade.

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## ON THE EXAMINATION OF GIRLS.

**A**MONG recent efforts for the improvement of the education of that large class which fills the interval between the aristocracy and the artisan, the institution of Local, or, as they were at first called, middle-class examinations, by the Universities of Oxford and Cambridge, is one of the most important. These examinations have now been in operation, as regards boys, for about eight years, and that their influence in raising the tone of boys' schools has been very beneficial, is generally admitted. That such an influence might be equally advantageous to girls' schools appeared not unlikely, and in the autumn of 1862 a committee was formed in London, by whom the task was undertaken of investigating the matter, with a view to procuring—if after full inquiry it should appear desirable—the extension of the examinations to girls. The first step was to enter into communication with the committees at the several local centres, in order to ascertain whether the scheme was in its practical working sufficiently elastic to admit the new element without endangering its efficiency, and at the same time to elicit how far the persons engaged in carrying out the scheme might be disposed to assist in enlarging its operation. From nearly all the local centres assurances of support were received, and in some cases valuable advice. It was suggested by Mr. Acland, the originator of the system of Local Examination, that the committee should in some way or other show “that their ideas would march,” and it was accordingly resolved that a tentative examination should be held in London, corresponding, as far as possible, in all its features, with the examinations for boys carried on simultaneously at the various local centres. Permission was obtained from the Cambridge Syndicate to make use of the examination papers provided for the boys, and the University examiners kindly undertook to receive the answers of the girls and to report upon them. The London Local Committee gave their cordial co-operation, and schoolmistresses, both in London and the country, responded to the call for candidates with unexpected alacrity. At a fort-



night's notice, and with only six weeks allowed for preparation, eighty-three girls were presented for examination. The experiment was carried through with the most complete success, and it was felt that no doubt could any longer remain either as to the suitableness of the scheme or the readiness of teachers to avail themselves of it. A memorial was presented to the University of Cambridge, signed by over one thousand teachers of girls and supported by many persons of weight and influence. The question was referred by the Senate to a special Syndicate, who reported upon it as follows :

The Syndicate appointed Nov. 24, 1864, to consider whether any system of Examinations similar to that established by Grace of the Senate, Feb. 11, 1858, for boys, may be extended to girls, beg leave to make the following report :

They have given their best attention to the question submitted to them, and to the Memorial on the subject presented to the University by a very large number of persons engaged in female education, and supported by others who take an interest in it. They have also been informed that an examination of girls has been tried on a small scale with the assistance of the Syndicate which has the conduct of the examinations of boys, and that the experiment has been successful.

They have carefully considered the various points in which the scheme of Local Examinations for boys, is applicable to girls, and any modification which might be necessary to adapt it to the latter class.

The Examinations for boys are now held at different local centres under the superintendence of Examiners appointed by the Syndicate established by the above-mentioned Grace of Feb. 11, 1858. Arrangements for holding these Examinations are made by the local Committees or Secretaries. A similar plan might be adopted with regard to Examinations for girls, the Committees in such cases being composed of ladies, and care being taken to prevent undue publicity or intrusion. Such places only would be selected for local centres as the Syndicate approved, who, no doubt, would require to be satisfied that proper arrangements were made for accommodating the candidates and holding the examinations.

The subjects for Examination for boys are the English language and literature, History, Geography, the Greek, Latin, French, and German languages, Arithmetic, Mathematics, Natural Philosophy, some branches of Natural Science, Drawing, and the elements of Music. The Syndicate, by their regulations, have made some of these subjects obligatory, and others optional. Very few of the boys, for instance, present themselves for examination in Natural Philosophy and Natural Science, but all are required to satisfy the Examiners in the principal elementary subjects. The same course might be adopted with regard to girls, and the same subjects retained at the discretion of the Syndicate. The Syndicate consider it quite inexpedient to introduce others which belong exclusively to female education.

The Syndicate accordingly recommend to the Senate for its adoption the following

## SCHEME OF EXAMINATION FOR GIRLS.

1. That there be two Examinations in every year, commencing at the same time, one for girls not more than sixteen years of age, and the other for girls not more than eighteen years of age, at the end of the year in which the Examination takes place.

2. That these Examinations be under the superintendence of the Syndicate constituted by Grace of the Senate of Feb. 11, 1858, for the conduct of the Examinations of Students who are not members of the University.

3. That the Examinations be held in such places as the Syndicate may approve.

4. That the Examinations be held on the same days and hours and in the same papers as those of the boys.

5. That the Candidates be required to pay fees at the discretion of the Syndicate.

6. That every candidate be examined in Religious Knowledge, unless her parents or guardians object to such examination.

7. That neither the names of the Candidates nor any class lists be published.

8. That the Candidates who have satisfied the Examiners, receive certificates, and those who have passed the Examination with credit, Certificates of Honour.

9. That this scheme continue in force for three years, so as to include the Examinations for 1865, 1866, and 1867.

A Grace of the Senate, authorising the proposed scheme, was passed on March 9th, 1865. Examinations will be held in December at six local centres—London, Cambridge, Bristol, Manchester, Brighton, and Sheffield. The number of candidates promises to be very considerable.

In conjunction with this step on the part of the University of Cambridge, must be mentioned a similar movement in Scotland. The University of Edinburgh has this year inaugurated a system of local examinations for both boys and girls. The first examinations were held in June, at Edinburgh and Inverness. There were fifty-eight candidates in all, of whom twenty-one were girls.

The general effect of these measures on female education is more important than might be supposed from merely reckoning up the number of students examined. Even at the present early stage of the movement, its reflex advantages in awakening and encouraging schoolmistresses, and in bringing them into friendly communication with each other, are beginning to appear. The mere discovery on the part of teachers of girls that a University cares to inquire whether they are doing their work well or ill, acts as a stimulus of the healthiest sort; and as a yearly increasing number of schools is brought within the range of sympathy and guidance, a great improvement, especially as regards the thoroughness of the work done, may be expected.—E. D.

## REVIEW.

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### LOCAL SANITARY LEGISLATION.\*

THE permissive or voluntary nature of many of our laws, whilst in harmony with our national character, are undoubtedly adverse to true political progress. This character tends at once to weaken government action, but at the same time strengthens our institutions.

Many laws are admirably adapted to fulfil the purpose for which they were intended, but are inoperative until some authority independent of the law takes the responsibility of compelling their adoption. We may cite, as one instance of the loss which the community thus sustains, the Local Government Act, which is voluntary in its adoption. Although this excellent measure was passed in 1858, only a very limited number of places have at present availed themselves of its provisions, so well calculated as they are to ameliorate the social and sanitary condition of large towns. Opposition to this ulterior authority to which we have referred is nowhere so often exhibited as in parochial business, and by men who professedly admire principles of local self-government. This obstructiveness to measures of reform is too frequently met with in the attempts to introduce those on which sanitary improvement depends.

In the discussion of permissive legislation pertaining to public health, a grand question suggests itself—can voluntary action safely be trusted to certain authorities?

An able writer believes that, "The care of the public health cannot be safely committed to authorities the majority of whom are not educated or specially qualified for so weighty a charge."†

The time has arrived for rate-payers in England to consider well the qualifications needful in those whom they nominate as guardians and vestrymen, or as members of the various boards to which are entrusted any powers of municipal government. The electors should ask themselves the question whether those they are about to elect are prepared, by previous education and occupation, for the administration of duties which involve special knowledge. A moment's consideration as to the class of persons on whom mainly rests the discretionary power of enforcing Acts of Parliament with a permissive or optional character, will show us that they for the most part are country gentlemen, magistrates, and clergymen meeting generally in quarter sessions; or, on the other hand, small uneducated tradesmen, members of the board of guardians for the poor, or members of vestries, town councils, and local committees.

To these persons are mainly confided the duties of working the machinery of the laws relating to the poor, to prison discipline, juvenile

\* Report of the Council of Hygiene and Public Health of the Citizens of New York on the Sanitary Condition of the City. New York: D. Appleton and Co., 443, 445, Broadway.

† Rumsey: "Essays on State Medicine."



reformation, the police, the highways, together with various public health and local government acts. The advice and power of control exercised by a central board materially assists, but rarely insists on, their administration.

But a great contrast is furnished by the Americans, as may be seen from the report just issued by the Council of Hygiene and Public Health of the citizens of New York on the sanitary condition of the city. It offers an example of what may be accomplished by people working in earnest and voluntarily at local legislation; we find a body of men contributing valuable time to the work of sanitary inspection, physicians and surgeons occupying themselves with official and professional duties, and whose labours have thus placed them foremost in an enterprise for human improvement, and whose investigations have contributed important facts to society at large, and to their fellow-citizens in particular. This volume contains a report of the council, with the records and special reports of thirty sanitary inspectors, among whom the city was divided. It should be borne in mind that this voluntary work was planned and carried out by the medical staff, for the purpose of furnishing the council with the fullest and most reliable information that could be obtained relative to public health. The sanitary inspectors were, at the very outset, struck with the utter inefficacy of all organisation previously existing in the city, the ignorance and apathy universally prevailing amongst the very classes who were most endangered by their own sanitary wants, and the absence of public appreciation of sanitary improvement.

Let us examine a few facts presented to us by the report. The death-rate of the city of New York is, we find, extremely high—2·87 per cent, or 1 in 35 of the present population—it is the highest of American cities, but not so high as many in England and France. Excessive mortality, here as elsewhere, is found associated with physical suffering, sickness, want, and neglect, pauperism, and orphanage among the poorer classes, most of which arises from causes removable by suitable sanitary regulations. The possible saving of life in this city is supposed to amount to 7000 persons annually, and about 200,000 cases of mishap and preventable sickness.

All the records of sanitary inspection bear ample testimony to the fact, that certain well defined local conditions are always associated with the prevalence of small pox, fever, infantile diarrhoea, and pulmonary diseases.

These localising causes of excessive sickness and mortality in New York, as in our own towns, are chiefly with tenant-house districts of the city, corresponding with our densely crowded lodging-houses, and their insalubrious surroundings—viz., accumulations of filth, bad drainage, careless habits of the people themselves, and those nameless evils which, in the aggregate, make a fever-breeding locality.

In December 1864, 495,592 persons resided in 15,329 tenant-houses or cellars; and the average number of persons to each dwelling was  $7\frac{1}{2}$ , including the lodgers or boarders with the family. Half the city, says one reporter, is to-day inhabiting a class of domiciles which invite

or localise the most disabling and fatal of diseases. The concentration of population is probably never greater in any city. The reporter of the sanitary survey of the Fourth Ward shows the density of population to be 240,000 to 290,000 to the square mile. In a certain tenant house, he found a population of 504 persons, in 71 families, there had occurred twenty cases of small-pox during the year, six deaths from the disease, sixteen deaths from scarlet fever, typhus claimed a full share of adult lives. The day of inspection found eight persons sick of measles, twenty-seven of marasmus, twelve of consumption, eight of obstinate diarrhoea; the total number of persons ill in that closely-packed tenant-house was, at that time, 147, or 29 per cent. of its population. In 1854, when cholera made its first appearance, it was in the very house here described. Each inhabitant has fifteen superficial feet of area, and about 275 cubic feet of air space. The report states, that in the early part of this year, 1865, the degree of overcrowding was even greater, by 10 per cent., than the rate here recorded.

"The tenant-house (says the report) is the offspring of municipal neglect as well as of its primary causes over population and destitution." As a city grows in commerce, and demands new localities for manufactures and traffic, the value of property increases, while in the same proportion demand for house accommodation also increases, and ought to be provided for accordingly. For minute descriptions of "dens of death" and "fever nests," with photographic illustrations, we would refer to the reports themselves. In 1863, 2,083 persons died of fever, 903 scarlet fever, 950 typhus, and typhoid, representing, perhaps, 12,000 cases of that most preventable type of disease.

The localisation, also, of various diarrhoea maladies is very distinctly established by careful observation and medical inquiry in all the reports, and is lucidly explained in that of the 28th district.

Under the head of remedial measures, and those that cannot safely be deferred, is that of cleanliness. This, the council considers, should be enforced at any cost. The 173 slaughter pens, and their attendant nuisances in populous neighbourhoods, are considered too offensive to health and decency to be any longer permitted in their present localities, and a practical scheme of *abattoirs* is to be adopted for the growing wants of the city.

The uncontrolled elimination of noisome gases from factories of various kinds are offences against health that ought to be wholly abated and prevented.

Two recommendations are made to assist in lessening the evils of over-crowding and imperfect ventilation. 1. That capitalists, architects, and builders should unite in devising and executing the construction of improved dwellings for the industrious classes of the city. 2. That efficient measures be immediately taken to procure the needful improvements in ventilation, lighting, and cleanliness in the tenant-houses of the city. 3. That suitable sanitary laws for the better regulation of tenant-houses be enacted, and that citizens should enforce the same upon the owners, lessees, and occupants.

Among other recommendations are those which follow:—1. That the labours of hygienic inspection and inquiry be systematic, thorough, and unremitting, and that skilled and thoroughly trained minds be employed in such labours. 2. That officers of health shall have the full co-operation of the police authorities; and that civic cleanliness, with the prevention and removal of all nuisances, together with a strict obedience to sanitary regulations, shall be enforced by the metropolitan police.

They also strongly recommend heavy penalties to be enforced against owners and drivers of vehicles who transport persons with small-pox or fever, and that it shall be considered a punishable offence for any person or thing that is contaminated with small-pox to be unnecessarily exposed.

Vaccination is, we find, much neglected in New York. The public dispensaries supply lymph, and vaccinate gratuitously; but compulsory regulations, such as exist in this country, are not at present in harmony with the supposed advanced spirit of American laws.

The council express most emphatically its views on the sanitary wants of the labouring classes, that ere long, if it is not already, it must become the most vital of all great social questions, and the most urgent duty of municipal and state authorities to remove the physical evils that endanger domestic and public health.

We cannot more appropriately close our notices of these voluminous and admirable models of sanitary inspection than by quoting a few observations from the words of the reporters themselves:

(a). The evils to which we have referred to can be remedied.—H. M. Field, M.D. (b). Though “commerce is king,” in this particular section of the city, the fact should be kept in mind, that civic salubrity is one of the indispensable safeguards to commercial prosperity.—J. S. Millspaugh, M.D. (c). The state of physical, mental, and moral decline, to which I have adverted, is so well recognised, and its causes so well understood, that it has received a name less elegant than expressive—it is called the “tenant-house rot.”—Ezra Pullen, M.D. (d). So long as the authorities do not regulate the dwellings of the labouring classes, by compulsory laws binding equally on tenant and proprietor, to the observance of proper internal and domiciliary arrangements, so long will the sanitary advantages which nature has lavished upon the metropolis be entirely nullified.—E. B. Garner, M.D., &c. (e). The over-crowding in tenant-houses and other buildings, as is the custom in this city, is very injurious; and thoroughly effective measures ought to be adopted to prevent it.—P. Nolan, M.D. (f). The evils I have described will not yield to moral suasion or voluntary inspection, inquiry, and advice. The strong arm of power in the force of definite sanitary regulations must be administered by competent minds. (g). In the 19th district is seen everywhere the necessity for the strong arm of an intelligent sanitary police, and more especially is there an urgent demand for practical and effectual methods of improving the ventilation of the tenant-houses and the increase of domestic comforts.—J. R. Mansfield, M.D. (h). I believe much of the



vice, immorality, and crime of our city to be due to the construction, over-crowding, and mismanagement of our tenant-houses. (i). The few streets that now exist in this district should be paved and guttered; ponds, marshes, and all stagnant water should be thoroughly drained, and the rivers and low places filled up; and, most important of all, there should be an efficient medical or sanitary police on daily duty.—L. A. Rodenstein, M.D. (j). Tenant-houses to be erected not to exceed three or four stories in height, and so constructed as to afford better through ventilation; a better class of garbage-boxes (dust-bins); removal of slaughter-houses and soots (at establishments beyond the city limits); are some of the principal remedial measures which are suggested to the mind of the inspector, to place the district in a fair sanitary condition.—W. C. Hunter, M.D. (k). A careful sanitary survey of every street and square should be commenced. Evils that exist and are increasing must be clearly ascertained by competent sanitary observers, aided by expert engineering talent. Improved ventilation and sun lighting in the tenant-houses cleansing of the squares of their nuisances, and their slaughter-houses and faulty privies, are the first and indispensable means of improving the hygienic condition of the fifteen districts.—James Ross, M.D. (l). Wherever a tenant-house square exists, with its filthy streets, alleys, yards, and crowded houses, badly ventilated, with inhabitants ill fed and clad, there pestilential disease prevails with greater virulence, demonstrating, most conclusively, that it is of the greatest importance to have every house, yard, and street, in the best sanitary condition to resist diseases.—O. G. Smith, M.D. (m). The inspector of the 10th district alludes to the difficult task still remaining of reforming the people themselves, in changing their habits and morals, and instructing them how to live properly. This, he says, could to some extent be accomplished by getting their clergy to interest themselves in the temporal as well as spiritual affairs of their parishioners, by the employment of sanitary missionaries and lecturers among them, by the circulation of cheap newspapers, or by the insertion in the papers now read by them of short readable articles that will teach them the ordinary rules of health, and incite them to habits of cleanliness in their persons and their domiciles; that will teach them how to prevent disease, how to cook, eat, sleep, and dress, and show them the value of good air, and the economy of eating only wholesome and properly prepared food.—J. C. Achison, M.D.

We cannot too strongly recommend this report to all who are interested in sanitary legislation.

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## MONTHLY CHRONICLE.

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**The Cattle Plague.**—The following facts with regard to the importation of this disease are given in the *Lancet* of October 14th: "On July 2nd, some cattle bought in the Islington market were embarked for Holland. These cattle had been exposed at the market for sale on three preceding market days, a portion of the Revel herd also having been exposed in the same market on the same days. The cattle were sent to Schiedam, and on the voyage several became ill, and some died immediately upon arrival at the port. The disease from which they succumbed was unquestionably the rinderpest. The remaining animals were distributed in various directions, and the epizootic quickly showed itself amongst the Dutch herds which had been brought into contact with these cattle. Before, however, the great gravity of the malady had been recognised, Dutch herds, which had been exposed to the infection, were sent to England, and sickened after reaching these shores. It was in this manner that rinderpest was introduced into several localities of Suffolk and Shropshire and other counties, in which the appearance of the disease in the first instance seemed difficult to be accounted for, except on the theory of spontaneous origin. Professor Simonds, however, having been struck with the frequency with which some of these outbreaks were connected with the purchase of Dutch stock, caused inquiries to be instituted, which led to the discovery of the importation of the disease from our shores into Holland, and its re-importation into this country. Several almost contemporaneous outbreaks in different districts appear to have taken place amongst cattle bought in the London market during June, throughout the whole of which month some of the Revel cattle were exposed there on market days for sale. A cow bought on the 19th of June sickened at Hackney on the 28th; and the disease appeared in a dealer's shed at Whitechapel on the 1st of July amongst cattle which had been taken more than once to the Islington market and exposed there for sale during the previous month." At a recent meeting of the Pathological Society, Dr. Murchison gave the result of the dissections of twenty-seven cattle that had died by the plague, and came to the conclusion that the disease had no relation whatever to typhoid fever.

**The Cattle Plague Commission.**—The Queen has approved of a Royal Commission for investigating the cattle plague. Her Majesty has appointed Earl Spencer, Viscount Cranbourne, Right Hon. Robert Lowe, Dr. Lyon Playfair, Mr. Clare Sewell Read, Dr. Bence Jones, Dr. Quain, Dr. Parkes, Mr. John Robinson M'Clean, Mr. Wormald, Mr. Robert Ceeley, and Mr. Charles Spooner; their commission being "fully to investigate the origin and nature of a contagious or infectious disorder, which is generally designated the cattle plague, now prevalent among the cattle in Great Britain, and to ascertain, as far as possible, the mode of treatment best adapted for the cure of the affected animals,

and the regulations which may, with the greatest advantage, be made with a view to prevent the spreading of the said disorder, and to avert any future outbreak of it." The commission has held its meetings during the past month, and, it is said, will soon be ready to report. It has examined a vast number of witnesses, and collected a great quantity of information, all confirmatory of the views originally entertained by those who were unceasing in their endeavours to arrest the attention of the Government, and to point out the dangers to which we were exposed by the introduction of this disease from foreign countries. At the last moment the commission has thought it necessary to apply to certain scientific gentlemen to undertake original investigations. Dr. Bristowe has been requested to undertake a series of post-mortem inspections; Dr. Murchison to report on the pathological relations of the rinderpest to other diseases; Dr. Sanderson, with the co-operation of Professors Varnell and Pritchard of the Veterinary College, on the propagation, the symptoms, and treatment of the disease; Dr. Marcet on the chemistry of the blood and tissues, and the value of disinfectants; Dr. Lionel Beale on the microscopic appearances of the diseased organs; and Professor Gamgee on sanitary restrictive measures. Why these gentlemen were not appointed earlier, and why the commission has applied to them at all, when they have no funds at their disposal for adequate payment of their services, are questions that ought to come early under the consideration of the House of Commons. How can it be expected that the people of this country will trust its sanitary interests to a Government which, in all cases where health is concerned, acts in the same contracted and economical spirit as the most parsimonious of vestries?

**Cholera at Thoydon-Bois, near Epping.**—A most alarming outbreak of a choleraic disease has occurred at a village near Epping, in Essex. The first case was that of a Mr. Groombridge, a farmer, who had returned from Weymouth with diarrhoea. He was attacked on the 24th of September. On the following day he came home with his wife, who was attacked the same day with the disease. She and her husband subsequently died. The mother of Mrs. Groombridge and a daughter and one of the servants have also died. Several others who were attacked got well. Mr. McNab, a surgeon, who had retired from practice, but attended the family, also got the disease and died. It is very much to be doubted if this was really an outbreak of genuine cholera. Since the cessation of the disease it has been found that a well which supplied the family with water had communicated, through the leakage of a drain, with a neighbouring cesspool. It is a case pregnant with instruction with regard to the danger of drinking water from wells contiguous to drains or cesspools. It is asserted that in one of the cases of cholera which have occurred at Southampton, a well which supplied the house with water communicated with a cesspool.

**Mortality of Children in Manufacturing Districts.**—At the recent scientific congress of France, held at Rouen, a paper was read by Dr. Roth "On the Causes of the Mortality of Infants in



Manufacturing Districts, and the means of diminishing it." Fifty per cent. of the children in these districts die before the age of ten years. This frightful mortality arises from several causes. Foremost amongst these Dr. Roth places hereditary deterioration of the constitution due to the excesses or imperfect alimentation or the maladies of parents. The next place is assigned to the too early cessation of suckling, the want of maternal care—the infant being often neglected for entire days while the mother is at work—and the too common use of opiates by many workpeople to quiet the child at night. Dr. Roth attributed great importance to the absence of the mother's care, and he directed attention, on bearing upon this question, to the remarkable fact of the declension of infant mortality in Lancashire during the cotton famine. This, he thought, might be accounted for by the greater attention which mothers could devote to their infants during the closure of the mills. The cause which works most actively in the second period of childhood is, Dr. Roth thinks, the prolonged labour to which the children are subjected, and which is out of all proportion to their power and development. The means for remedying the great destruction of life in childhood, Dr. Roth thinks, should be especially hygienic. He laid great stress upon the utility of sanitary associations, such as the Ladies' Sanitary Association, for familiarising the working classes with sound hygienic notions, and expressed the opinion that if this knowledge were diffused amongst all classes of society, a diminution of mortality amongst the young would quickly be brought about. —*Lancet*.

**Ladies' Medical College.**—The second session was opened at the Hanover-square Rooms, October 1st, with a public address by Dr. Edmunds, the lecturer on midwifery. He said the attempt to provide for ladies opportunities like those which had been accessible only to gentlemen, for the scientific study of midwifery and its cognate subjects, was last October a mere embryo subject. A year's experience in the work on the part of the officers of the Female Medical Society only confirmed the opinion of those who had set the project on foot. Fourteen students entered to the first year's courses of lectures, and the fees paid by those ladies had almost entirely reimbursed the committee for the cost of the lectures. This fact was one of fundamental importance, as although there were large preliminary expenses connected with the organisation and starting of such an institution, which might well be defrayed by benevolent persons, yet in a country like England the permanent vitality and fructification of the movement could only be secure when this kind of teaching proved to be as much self-supporting as other kinds of collegiate education. It was only upon this basis that the college now commenced in London would become the parent of like colleges in other parts of the country, and only when intelligent, well-qualified women appeared everywhere to urge their claim to this field of usefulness would it become the custom to employ women as midwifery attendants in general. Having spoken at some length on the special qualifications of women for this work, Dr. Edmunds proceeded to say that it was a singular anomaly that up to this day in England the prac-

tice of midwifery was altogether unprovided for and unregulated by the State; that any worn-out old woman could set up and practise midwifery with impunity; that women who wished to qualify themselves properly had no means of doing so; and that there was no recognised examination open to women which would enable the public to distinguish the qualified from the unqualified, and would save respectable practitioners from being confounded with the careless, ignorant, drunken old creatures who now attend thousands of our poorer class women. Until the Act of 1815, medical men were in the same position; but now every one must follow out a specified course of study, and pass a recognised trial by public examination before commencing practice. It would at once be evident that the practice and privileges which attach to public recognition would benefit alike this class of practitioners and the public who require their services. The Female Medical Society were anxious to come forward at some future time with a complete scheme for subjecting female practitioners of midwifery to appropriate regulations; but at present its powers were fully occupied with organising proper means of instruction and arousing the attention of the public. He contended that the practice of midwifery should be separated from the general practice of medicine and surgery, with which it was now associated in the hands of the general medical practitioner. He concluded by stating that the society was in debt 200*l.* to the treasurer; but he was confident that when public attention was aroused the needful assistance would be rendered.

**Thomas Carlyle on Education in Natural Knowledge.**—Mr. Adam White, for many years one of the gentlemen who so admirably discharge important duties for inadequate salaries in the British Museum, is now residing at Edinburgh, and has proposed to introduce the teaching of natural history into schools and families. On this point he has received a letter from Mr. Carlyle, from which the *Edinburgh Courant* gives the following extract: “For many years it has been one of my constant regrets that no schoolmaster of mine had a knowledge of natural history, so far at least as to have taught me the grasses that grow by the wayside, and the little winged and wingless neighbours that are continually meeting me, with a salutation which I cannot answer, as things are! Why didn’t somebody teach me the constellations, too, and make me at home in the starry heavens which are always overhead, and which I don’t half know to this day? I love to prophesy that there will come a time when, not in Edinburgh alone, but in all Scottish and European towns and villages, the schoolmaster will be strictly required to possess these two capabilities—neither Greek nor Latin more strict!—and that no ingenious little denizen of this universe be thenceforward debarred from his right of liberty in those two departments, and doomed to look on them as if across grated fences all his life! For the rest, I cannot doubt but, one way or other, you will by-and-by make your valuable indubitable gift available in Edinburgh, either to the young or to the older, on such conditions as there are, and I much recommend a zealous and judicious persistence till you do succeed.”

## PROCEEDINGS OF SOCIETIES.

### THE INTERNATIONAL SOCIAL SCIENCE CONGRESS.

OPENING of the Fourth Session, at Berne, August 28th, 1865.—At two o'clock a large assembly met in the Church of Saint Esprit, in this city, when the opening address was given by M. Challet-Venel, a member of the Federal Council. He was supported on one side by the general secretary of the association, M. Couvreur, and M. Rivier, professor at the University of Berne; on the other, by the secretaries, M. Rollin-Jaquement and M. de Verguies. In a few words M. Challet-Venel welcomed the members of the congress; and his address was received with acclamations of applause. In the absence of M. Vervoort, who was detained in Brussels on important imperial duties, a letter from him was read, and M. Couvreur, general secretary, replied to the address of the president. Thanks also were given to M. Schenck and the government at Berne for facilitating the business of the congress. A report of the proceedings and programme of the congress was read; delegates from various countries were announced. There was a strong contingent from the towns of Ghent, Namur, and Brussels; from France, the names of Jules Simon, Ulbach, Garnier-Pages, Desmarest, and Pascal-Dupres, were the most distinguished. *La Suisse* counted several of her notabilities from the bar, the universities, and legislative assembly. Germany and England had their representatives. There were not wanting charming ladies in fashionable toilettes.

*1st Section. Comparative Legislation.*—First sitting, Aug. 28. President, M. Blumtsches, professor at Heidelberg. Vice-presidents, M. Frachepoud, president of the law tribunal at Friburg; M. Leroy, advocate, of Neufchatel; secretaries, Kœnig, Zerleder, Favrot, and Rivier, of Berne. The president gave his excellent address in German. M. Desmarest proposed the first question, "Decentralization." MM. Herold and Garnier-Pages proposed the question of "Coalitions among Workmen."

*2nd Section. Education and Instruction.*—August 28th: at the first day's meeting, president, M. Jules Simon; secretaries, MM. de Muralt, Sandroz, and Cherbulliez. M. J. Simon gave the opening address, congratulating the association on their not having agreed to a special section for philosophy and religion. Educational questions ought to include philosophical and religious subjects. M. P. Duprat opened the discussion on the question:—Is it desirable to separate the teaching of morality and religion from general education. An animated discussion was kept up three days with the speeches of M. Cherbulliez, of Zurich, M. de Muralt, M. Salvador, and others. A prize of 300 francs was offered for the best memoir on the following subject:—"What improvement can be adopted in the teaching of morality? and on what basis shall this teaching be founded?" The most practical, and, at the same time, most interesting discussion was



that which took place in this section on the results, in different countries, of opening popular lecture-rooms and libraries, and the best mode of organising these institutions. M. C. Buls detailed the rules of the *Ligne de l'Enseignement*, just established at Brussels; in connexion therewith a public library and lectures are proposed. M. Marans, of Paris, much approved of this. M. Lanza, of Turin, said that many of the Italian villages were now imitating the mechanics' institutions in England, somewhat modified. Clubs were founded for passing the evenings in conversation, instruction, and amusement. A temperance society was established in the capital of Italy; distinguished members of the parliament had given lectures, and, thanks to the minister, Marviani, reading-rooms were now opened in some public libraries, so numerous and so rich in Italy. More workmen met there in two hours during the evening than during the whole day. M. Rousselle, from Paris, considers lectures more important than libraries. M. Bertrand (one of the original organisers of public lectures in Switzerland), spoke of what now took place in the Canton of Neufchatel, with 80,000 population. Three-fourths of the villages discuss all subjects with full freedom. M. Muralt, who had been 30 years in Russia, drew a picture of what is going on in education in this far-off country, whose people (he said) thirst for instruction, and profit by every spare moment in reading. Many other speakers engaged in a very animated discussion, M. Leroy, of Paris, M. Marguerin, M. de Pressence, and M. Jules Simon; the latter, speaking of France, said he had written a polite letter to the Minister of Public Instruction for an authority to found a public library, but that the letter had remained without a reply. A committee of this section was recommended to the next congress to study plans for lectures and libraries in towns and country districts. A few other papers of less interest were read in this section.

*3rd Section. Art and Literature.*—President, M. Vigier de Solarre; vice-president, M. Gustave Revillod, of Geneva; secretaries, MM. Varhaeghe, Tilliere, Dogne, Hifellen, and Weber. Several ladies attended the meeting of this section.

*4th Section. Public Health and Benevolence.*—The first sitting, August 28th, had for president M. Dameth, professor at Geneva. Vice-presidents, MM. Guillaume George, from Neufchatel; Pictet, from Geneva; Aug. Visschers, from Brussels; Van Baumhauer and G. Hastings, of London; Herpin, from Metz. The second day's meeting was held in the hall of the Federal Palace, and the discussion opened upon the subject of penal discipline: "Penitentiary systems, founded on separation of prisoners, and working in communities;" "An examination of the system adopted in Ireland;" "What measures best respond to the exigencies of justice and humanity?" A prolonged discussion of more than two days was carried on by MM. Vaucher-Cremieux, Tilliere, Van Waes, M. Dameth, Pictet, De Sergy, G. Hastings, Stuart, and others. On the fourth day the debate was opened with the following question:—"To what extent can voluntary associations, for the relief of wounded in time of war, be able to assist in time of peace, and in the event of epidemics, inundations, &c." M.

E. Moynier remarked that the question was badly stated, and certainly a very weak discussion followed it. On the fifth day, M. Bonafont read a paper on the purification of the Delta of the Ganges; after which, the questions of the day:—1st. How far is it desirable to make gymnastics and swimming a part of instruction in elementary schools? 2nd. The fabrication and retail of spirituous liquors, considered in regard to the moral and physical welfare; can they be permitted to pass entirely free; ought they not to be submitted to the control of authority? or, can we expect good results from their absolute prohibition? 3rd. Are there countries in Europe enjoying conditions favourable to prevent or cure phthisis? There was nothing remarkable in the discussion of these questions.

*5th Section. Political Economy.*—August 28th.—President, M. de Gonsenbach; vice-presidents, MM. du Pasquier, Ceresole, Hartzen; secretaries, M. Ch. de Mullinen, Alex. de Tavel, Dapples, de Groffenreld, and Stæfse. The question of permanent armies was proposed for discussion at a general meeting to-morrow. The subject of limited liability association was entered upon fully by M. Dunoyer; its legislative history in England and France, and the phases of prosperity and crisis it has passed. Three sittings were occupied with this subject. August 31st.—Mlle. Royer read a paper on the influence of luxury on the moral and economical prosperity of states. September 1st.—M. Vogt, director of the statistical bureau at Berne, opened the programme of this question—The construction of railways, canals, and telegraphs by the state; is it advantageous to the public interest for their construction and maintenance to depend on private industry? In case the state reserveth to itself the monopoly of working them, ought the profits which are derived to be employed for augmenting the resources of the public treasury, or ought they to be applied to the amelioration of the monopoly itself? The principle of state intervention was ably supported by M. Vogt and other speakers, mainly on the ground that the public interests are better attended to. M. Dunoyer and others argued in favour of industrial initiations, and, quoting the example from England, believes that private industry acquits itself better than the state in all great enterprises of public utility. A discussion on *cités ouvriers* had to be postponed. At the last sitting, September 2nd, military organisation was the topic of discussion. The Swiss system, which is that of an armed nation, able at once to defend its country, its institutions, and its liberty, costs less by seven francs per head of the population than any other country. Twenty-eight millions of armed men might be supported in Europe at an immense saving out of the present expenses. In Switzerland an infantry soldier furnishes during his life 110 days' service, 170 to 190 in the artillery and engineers. In Belgium the term of service is about two years. The farewell banquet was held on Saturday, September 2nd. M. Van Humbach gave a toast, "The Swiss Federal Council," and M. Schenck, the president, replied in German. The municipal government of the city and canton of Berne, was given by M. Van Lennep; co-operative associations in

free England, by M. J. Simon. M. Challet-Venel returned thanks to the ladies who took part in the congress. Other toasts and addresses, enthusiastically received, terminated the banquet.

#### THE SOCIETY FOR THE PROMOTION OF THE EMPLOYMENT OF WOMEN.

This society publishes a quarterly report, and in that issued on Sept. 30th we find that 130 applications for employment have been received at the offices, 19, Langham-place, since June 25th. The names of 84 have been entered on the register; 53 remain unemployed. The number of employers who have applied during the same period is 24. Through the agency of the society a lady has been appointed as office nurse in the Royal Victoria Hospital, Netley. The lady who fills this position is required to act as private secretary to the superintendent-general of nurses. The salary is 30*l.* a year, with board, lodging, and dress, increasing gradually to 50*l.*, and a promise of a pension after ten years' service. Matrons have been supplied to the Cripples' Home and to a blind school. Employment has been found for twelve others in various occupations of a miscellaneous character. One girl has been apprenticed to a hairdresser in London, and is doing well. The committee will always be glad to hear, either of employers who may be willing to take female apprentices, or of girls desiring to be apprenticed to any business not already open to women. Miss Garrett, of 20, Upper Berkeley-street, Portman-square, having passed her final examination, and received a license from Apothecaries' Hall, is now a legally qualified medical practitioner. Another lady, Miss Colborne, of 53, Tachbrook-street, Pimlico, who also intends to enter the medical profession, has passed the preliminary examination in Arts at Apothecaries' Hall.

#### THE PRINTERS' ORPHAN ASYLUM.

This institution was founded to provide a home for the destitute orphan children of letter-press printers, under certain conditions. The subscriptions amount to 83*l.* 12*s.* for the year ending December, 1863, and there is at present a balance of 56*l.* 10*s.* 6*d.* in the hands of the treasurer.

#### THE WORKING MEN'S CLUB AND INSTITUTE UNION, 150, Strand, W.C.

In their annual report, issued in July, 1865, the committee speak hopefully and cheerfully of the success of their endeavours, and point out that great advantages would be derived if a central working men's club and institute, which might be a meeting point for working men and persons of other social grades, could have suitable premises under the same roof with the proposed hall and offices of the union. It is hoped that ultimately some suitable arrangement may be effected. Of their publications there have been sold and distributed during the year 10,000 copies. Forty-one new clubs and institutes have been established during the past year under the impulse and guidance of the union, which, added to the number previously established, make a total of 116 clubs formed by the union during about two years and a half of active operations.



## CORRESPONDENCE.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—The subject of infanticide has of late excited much attention. The rapid increase of the murder of helpless infants has roused the press of this country to sound aloud the wail of the stifled infant. The sun never sets but the lengthening shadows of evening shroud some strangled babe. The daily press bears ample and painful evidence that, both in crowded cities and in quiet country walks, infant life is trampled in the dust. Bright smiles the little helpless infant as it looks with strange bewilderment upon the dark frown of its terrible murderer, and stretches out its feeble arms in silent supplication. This is a terrible picture, which the public are daily called upon to look at; the gentle infant's cry has raised a cry of horror through the land. These murders outrage all womanliness. The iron heel of conventional necessity has crushed out the tender yearning sympathy of the mother. Fear makes cowards of us all, and the mother who destroys her infant would rather hear the feeble cry of her infant as she suffocates it, than for ever have the taunts of a hundred respectable little sinners dinging in her ears. Shame and poverty, and their terrible consequences, rise in hideous ghost-like forms before the frenzied mind of the mother of an illegitimate child. A revolution of her natural feelings and instincts takes place, tenderness is supplanted by cruelty, love by hatred, life-giving and protecting care is trodden down by cunning and cruel death-plots. The breast that should nourish and cherish the fragile flower of life is dried into an arid desert by passionate revenge. Society has sinned against the mother, and the burning sin of shame glares upon her brow, and she seeks to wash away the stain in the blood of her helpless infant. The monument of her visible shame, the child of her love or her passion, is immolated on the altar of moral cowardice. The finger of scornful pity or pharisaical respectability can no longer point to the child of her shame, it is only the heart and eye that can penetrate beyond the visible, that can discern the skeleton of terror which dwells in the inner chamber of every murderer. Methinks I hear some unfortunate sister exclaim,—“Would to God that I could be alone, that I could seclude myself and hide myself from my inner self: it is easy to withdraw from the crowd and bustle of life, but a still small voice speaks to me then, even amid the din and turmoil of life, when wearied with daily strife I close my eyes to sleep; the rippling smile that played around my infant's face, and that dreamy look of faint recognition that beamed in my infant's eyes, will still peer in upon me; I close my eyes, but I cannot shut out those glances which now look in upon me. As night wears on the stars shine brighter, and as time wears on my eyes grow dimmer, but those eyes grow brighter still. I look away and remember the days that are gone; I remember the mornings of spring, for then was life a joyous thing to me, but ever since I foolishly trusted the baseless promises of the father of my child, a dark cloud has been gathering and deepening over my life, no human voice cheered me, and nature seemed alone to mourn with me; the drooping willow sighed, and the sad sea waves murmured a sorrowful dirge, so long as I cherished the secret of my shame. Then the time came when the secret of my heart was mine no longer, and I resolved to brave the scorn of the world, the bitterness of cold pity, and, worse than all, the treachery of misplaced faith. I have passed through nature's night of suffering and woe, near to death, but giving life; the child is born, but it is not a pledge of love, but of treachery. Not a harbinger with golden wings of joy, but an infant to be clothed with shame, and sorrow, and disgrace.” It is not a father's pride and a mother's joy, but a father's infamy and a mother's shame; what wonder, then, that in the civil strife, in the moral battle-field, that womanly love and a mother's devotion should sometimes fail. The mothers of illegitimate children are deprived of all the joys of mothers, and are made to drink deep of the bitter cup of humiliation.

Amid all this trial, this terrible anguish, shall the mother of the murdered child stand alone? Shall she alone bear all the suffering and sorrow? Was there no partner in her sin, and is there now none to share her sorrow? Shall she *alone* be driven from the circle of respectable society? Can human morality look down upon

the woman, more sinned against than sinning, and alone condemn her? What of the man—the father of the child!—the betrayer of the mother! Is there nothing for him to bear? Will society receive him back, or will it ever exclude him? Does it not smile approval and frame excuses for him, and even vindicate his honour by a thousand innuendoes hurled with hissing fury at his poor helpless victim? How unequally society regards the sin of man and the sin of woman! How different their lot! He can eat and drink, no unearthly voices visit him, he stands not alone, secluded, pitied, condemned—but enjoys the merry joke, the witty repartee, the friendly welcome of society—he has not lost caste; this is all secured to the man by the payment of a nominal weekly fine. But, alas! what a sad lot awaits the woman; an outcast of society, with an inheritance of poverty and distress—she receives but little sympathy from men and less from women; she henceforward becomes an object of their scornful pity, and her respectable sisters gather their garments close, lest, by touching the unfortunate one, they should be contaminated; at the same time the author of her shame and sorrow is welcomed by them with more than friendly zeal.

In this densely populated district of the parish of Marylebone, the public is often called upon to witness inquests upon the bodies of newly-born babes which have been deposited in squares and within park-railings, &c. Twelve men deliberate, and a verdict of wilful murder against some person or persons unknown is the usual epitaph written by the law to mark the sin and sorrow of an outraged humanity. Children are murdered in different ways; some are obscurely murdered, the darkness of the night fostering the terrible deed—others are destroyed with all the tragic effect of the gleaming knife, the gloating eye of frenzied madness, and the shedding life's blood. From my experience as parochial medical officer of Christ Church district I am led to believe that many infants are destroyed in a way that is not generally known to the public. It appears to me that there is a systematic course of starvation (often wilful, I fear) practised by some of those who have the care of nurse children. Death is none the less terrible because it comes slowly, silently, surely; the life of an infant taken by the cruel and slow process of starvation is none the less a murder. The babe wastes away like snow when it thaws, it is too young to make complaint, except by its pitiful whining cry. It cannot tell the tale of the suffering caused by the deprivation of food. Its eyes speak of sufferings, and it bears in its sadly withered body the only evidence of the process by which the fragile tenement was worn out.

Murder is not the less murder because the process is slow, neither is the responsibility of murder lessened because it is divided. The law of the land looks upon the overt act of murder as connected with the intention, but only in that connexion can it deal with crime; but there is a higher and a nobler law which takes cognisance, not only of the overt act combined with the intention, but also at the intention, whether the overt act can be traced to the intention or not. The following will, perhaps, more clearly illustrate my meaning. There are several nurses who take in infants to nurse, viz.:—A, B, and C. A receives a new-born babe from the aunt (in reality the mother). The child is to be nursed, fed, and to receive that attention which so young a child requires when deprived of its natural succour. The child remains with four or five more in the custody of A, and grows gradually thinner and weaker. It then is handed over to B. The same process goes on, until C gets possession of the child. It is then literally a living skeleton, painful to look upon; its eyes are large and its face brown and shrivelled, having the appearance of an Egyptian mummy. The child is continually whining, and is now suffering from diarrhœa, induced by long-continued neglect. Now it is high time to take it to a doctor, in case anything should happen, and an inquest or an inquiry be instituted. Accordingly C obtains a doctor's order, and the child is brought down to me. I see at a glance the history of the miserable little object. I express my opinion as to the neglect, and am told by C that please, sir, the child was in that condition when she had it from B, and that she (C) does not think that it will live long, poor little thing; it will be a happy release, &c. It will be equally a release to the babe from suffering, and to the mother from a heavy tax upon her earnings, and for which she is not allowed to be unmindful by those who have thus aided in conferring this pecuniary immunity.

The child dies. It was impossible that it should live, and a certificate is duly returned to the registrar that R. R., of D.-street, died on the 18th September, 1865, of inanition and diarrhœa. Thus ends the history of the broken life of that poor babe.



These cases seldom come before the public, but in my experience they are not a few. As matters stand now, I cannot fix upon either A, B, or C as being legally the wilful murderer of R. R., because in some cases the infant, when deprived of breast-milk (as these unfortunate nurse children always are), refuses any other food. This creates another difficulty, for it is almost impossible to say whether an infant has been wilfully starved to death, or it has voluntarily refused the substitute for its mother's milk which has been offered to it. I confess it is difficult to bring these cases within the reach of the law of the land, but, if we look at the case through the medium of a higher and nobler law, we cannot but see that A, B, and C are not the only ones implicated in the murder, but also the unfortunate mother, and the not less guilty father.

The subject of infanticide embraces so much, and is so intimately connected with social law and public opinion, that in this paper it will be impossible to do more than hint at them. I trust that an interesting discussion of some of the subjects broached may lead to more correct opinions, and eventually to something being effectually done to remove the stain of infant murder from our national escutcheon. I wish to obtain the sense of your readers on the following points in so far as they are calculated to lessen or remove the evil of infant mortality.

1st, the establishment of *industrial homes* with accommodation for lying-in women. I conceive that if there were homes based upon a self-supporting principle, or, at the least, on a co-operating one, it would be one means of lessening this great evil. If an industrial home be founded (I do not mean a large building, for I believe they are open to great objections—women in the puerperal condition are more liable to contagious diseases, consequently if they are separate during this period I am of opinion that it would be highly beneficial), into which those who are about to become mothers might find a ready admission, so that during the time of their greatest need they could be efficiently cared for, and an opportunity afforded to them to remain four to six months to nurse and suckle their little ones, or until such time as it was deemed expedient to wean them, during this time they could be supplied with work, and earn sufficient to defray the greatest portion, if not the whole, of the expenses attending their confinement. A home based upon some such principle as this would meet a great want; it would be of the utmost value in saving infantile life. It would afford to the child the mother's milk and the mother's care, and it would develope and foster in the mother that tender watchfulness and care for her little one, which would play no small part in the formation of her character, and materially influence her future career. The future prospects of the child might be efficiently provided for by modifying the law of bastardy, the father (in so far as his means will allow) ought to be compelled to maintain and educate the child, and not to allow the burden to rest upon the mother or the ratepayers.

2nd, I would venture to suggest the expediency of inquests being held upon the death of all emaciated illegitimate children. In cases also when they die of irrepressible vomiting and diarrhœa, or convulsions; for I am persuaded that *vinum antim. tart.* is often the cause of the diarrhœa and death of illegitimate children. This preparation is easily procured and does not excite suspicion, and, further, it simulates disease so accurately as to render detection doubtful, except by chemical analysis.

Further, I would suggest the advisability of a material alteration in the law respecting the *punishment* of infanticide. If capital punishment were abolished it would do much good. If the punishment were not extreme, many that now receive no punishment at all would submit to imprisonment, and further accomplices would more readily give their assistance, and juries would more readily convict: this would, more or less, have a deterrent effect. As the law exists at present it is simply obstructive, and is not adapted for either punishment or prevention.

I am, Sir,

Your obedient servant,

BENSON BAKER, M.R.C.S.,  
Parochial Medical Officer, Christ's Church District,  
Marylebone.

October, 1865. 94, Lisson Grove, N.W.



# OUR NEGLECTED AND DESTITUTE CHILDREN.

ARE THEY TO BE EDUCATED?\*

BY MARY CARPENTER.

THE importance of directing public attention to the various educational agencies which are in operation in our country, cannot be too highly estimated, and has engaged the warm and earnest consideration of this Section from the very commencement of this Association. Even those educational institutions which had obtained the highest prestige, and which were supposed to be the most securely fenced round—the most strongly guarded by universal good opinion—our great public schools, which have fostered the opening talents and stimulated the rising genius of our most celebrated men—even these have been closely scrutinised, and the revelations of the Public School Commission were discussed by this Section at our last meeting with an anxiety which showed a general opinion of the importance of the subject. The desire of the council of this Association to obtain a similar Commission to inquire into the condition of smaller grammar schools and of middle-class education generally, as well as the attention which this last is exciting throughout the country, indicates not less clearly the growing attention which is paid to the education of those who will form the next generation. Descending to a lower grade of society, the distribution of the educational parliamentary grant to the British and National Schools has been the subject of warm and earnest discussion : and the applicability of the provision made under the present Code to the wants experienced by them, has been anxiously considered. The highest and most experienced minds in our country have been summoned to the discussion of these various subjects.

All the schools now adverted to have been intended for the children of persons who can more or less help themselves, and most of whom can take a share in the management of the schools. All these, from the legislator to the labouring man, have it in their power, more or less, to secure for their children, by their own personal effort, such education as they deem suitable for their position in life. It is true that several of these schools are endowed, and that a free education is thus granted to many children among these various classes ;—this gratuitous character of the education

\* Read before the Educational Section of the Social Science Association, at Sheffield.

is not considered to degrade the recipients, and all may be classed together in our present consideration. Now, we would ask, why does the enlightened portion of society so zealously occupy itself with the educational wants of these different classes? It is not that they cannot help themselves. We know that excellent schools are established by working men, and steadily supported by them, though they thankfully accept the pecuniary and intellectual aid afforded to them by those in a higher rank. The middle classes surely ought to be able to judge of their own wants, and pay their money solely for an education which is really good. Without a doubt the educated gentry and nobility of our country are fully competent, without extraneous aid, to regulate the education of their sons and of their daughters, and none need interfere in their concerns. And yet all these commissions, these committees, these anxious discussions—why do we continually hear of them? Why is there a constant extension of our inquiries? Why does one commission lead on to another, and why do we never feel satisfied as long as gentlemen's sons are only half educated and their daughters are debarred from university distinctions? Why do we trouble ourselves so much because schools for the middle classes are extremely inefficient, and do not teach the rising generation what their parents *ought* to wish them to acquire, but do not insist upon, through indifference or ignorance? Why do we make so much effort to give the rudiments of a sound and useful education to those who are to form our working population some ten years hence, though without it their fathers have built our houses, made our roads, and furnished nerve and sinew to our country wherever their services have been required? It is because we, as a country, are emerging from the narrow and selfish condition which made education a class privilege, which led even a prelate of the Established Church, some half century ago, to inquire, when asked to subscribe to a public juvenile library, what good a library for lads could do? and which made employers of labour *prefer* to keep their workmen in ignorance. A sound and enlightened education is now acknowledged to be as important to the welfare of society in general as it is to that of the individual. As the world progresses, and class after class is moving on to take a share in the government of the country—as the masses become influential in united strength, and make themselves felt to be members of the community, and important members of it—so all enlightened persons feel it to be of the highest importance that the intellectual and moral powers of those constituting the masses should be wisely developed, and that those who are blessed with superior advantages should lend them for the public good, to this great work. It is a great work, and we honour those who are

helping it forward. It is our own *personal* work as members of a community, and we devote ourselves to it with zeal.

But the most important part of our educational efforts are as yet left unaccomplished. We have been helping those who can help themselves, and who are willing to help themselves in this great matter of education of their children. They do so even at the cost of personal privation, because they perceive its inestimable value. We now turn to those who have neither the will nor the power to do so. Are we, on account of the apathy or misconduct of parents, to remain inactive, to stand by unconcerned and see innumerable evils prepared for the next generation as well as for this, through neglect of the children? Shall we, to our own shame, prove by our actions that we are willing to help the strong and give to those from whom we hope to receive; but that the weak, whom we deem not worthy of our notice, we will leave to perish morally and spiritually? Physically, we dare not let them perish, for it is contrary to the law of the land. But shall we act as if we ignored their higher natures—as if we regarded them as not of us—only fit to be cut out from among us? May this never be said of our country!

Our Government listens, however, to the claims of many of these wretched ones. Some of them are the children of paupers, who, by this very circumstance, are unable to provide themselves with education. The poor-rates are intended to provide this as well as food, and the guardians *ought* to see that this duty is fulfilled well. But the country regards it as so important that these children of paupers should be educated, and not grow up stultified in mind, prepared to perpetuate a pauper race, that Parliament grants a large annual sum, say 30,000*l.* per annum, to secure for these children of paupers a good education. Special inspectors are appointed to examine these schools, and to make the grant depend on the excellence of the instruction given. Parliament is right in its estimate of the importance of education to these poor children, who have not sinned themselves in being ignorant;—it is right in taking upon itself the duty, so important to society, of providing for them that education which they will probably not receive from those who stand in *loco parentis* to them,—the guardians of the poor. Again, the country said, and enlightened legislators saw, now many years ago, that a cruel wrong was being done to the rising generation by employing their undeveloped powers in close labour, thus crippling their intellectual faculties, and preventing the possibility of their obtaining even the rudiments of knowledge. The injustice thus inflicted on the factory children was acknowledged by the Government, and the Factory Act appointed for them a half-time system—probably the most valuable kind of education that can



be given—with enactments which effectually secured to them good and sufficient instruction. But this Act does not reach numbers of children in our country whose parents wickedly allow their immature minds and bodies to be cruelly sacrificed, almost in infancy, to the desire for lucre ;—they think that the children are their own, and that they may do what they will with their own. The country looked with horror on this wicked assumption, and asserted the right of the young child to grow up in freedom from bondage, even that of parents. A Royal Commission was appointed to investigate these abuses ; its report revealed horrors little imagined in these days of civilisation and Christianity, and the public is preparing to secure, by legislation, for every working child in the kingdom, immunity from such bondage, and the same rights in all other factories as are recognised in the cotton factories.

The country does not stop here in its care for the rising generation,—the children of this age, who are to be the men of the next. Some have become transgressors of the law even in early years. Parental authority has not been found sufficient to restrain them from evil. Perhaps no true parental influence existed for these unfortunate young persons ; and, left to the guidance of their own unregulated wills, checked by no voice of reason or of religion, they have committed acts, which in technical language would be termed *burglary*, *arson*, and *felony*, and other crimes, which within the memory of the older among us were capital offences. Are these children to be left without education, because not only they but their parents have sinned ? Do we, human beings, take upon ourselves the right to visit the sins of the fathers on the children ? Not so our Government. For the good of society, and for the benefit of the child, the parents forfeit the privilege, which they had abused, of controlling their children, while they are still compelled to pay towards their maintenance. The children are cared for, the parental authority is transferred by legal sentence to persons who will undertake their moral, religious, and intellectual training, and an inspector has the special duty of ascertaining, on the part of Government, not only that care is taken of these children, and that they are taught to earn their bread by the sweat of their brows, but that their intellectual powers are developed, and that they receive proper teaching. The State does not begrudge spending from 13*l.* to 16*l.* per annum for each of these children, considering it a wise economy to enable them to grow up honest, self-supporting citizens, instead of being maintained in a convict prison, at an expense of from 30*l.* to 40*l.* per annum, or spreading moral contagion through the country if at large—a still greater evil to society.

We see, then, that in all these cases—in that of the factory children, of the children of paupers and the orphans, of children who, generally through parental neglect, show proclivity to crime, or who have actually fallen into it—in all these cases, the Government has acted on the principle that the fault of parents is rather a claim for public help for the child, than a reason why it should be passed by in neglect; and that it is the duty of the Government to enable every child to receive a free development of its powers with a good education. The public has not lagged behind the Government in its appreciation of this principle, as, step by step, it has advanced; but, on the contrary, has urged it on. The children in our Pauper Schools, formerly an object of contempt and scorn, are beginning to receive public sympathy, and more enlightened efforts are being made in many places to secure for them a better practical education, and to enable them to take their fit place in society. The children who had been under a sentence of the law used to be regarded as beyond the pale of even social sympathy, but now the public show their true appreciation of what is being done for them by the combined efforts of Government and of Christian labourers, by receiving them willingly into their workshops, and even into their homes.

But the work is not yet done. A large and increasing part of the population consists of families whose children are miserably poor, ignorant, and wretched, though they themselves are not paupers; they are struggling to provide for the physical wants of their children without parish help, but they cannot give education to them; it may be that they are themselves so totally degraded that they do not care to do so, and thence their children grow up as ignorant and corrupt as they are themselves. Had they been paupers, or had their children been transgressors of the law, they would have been cared for; but now they are left in their low and untaught condition, preparing to furnish to the country an ever-increasing supply of paupers and criminals for our workhouses and gaols.

These are the children for whom, Destitute and Neglected and ignorant as they are, swarming in our large cities, and there to be numbered not by hundreds nor by thousands, but by tens of thousands, and perhaps even by millions, that I now earnestly entreat the help of this Association. These are the children who have hitherto been practically ignored by the Educational Council of the nation, and whose welfare is never considered by them, while they largely bestow their funds in training highly educated teachers, and in paying for the knowledge instilled into the respectable children of the higher or wage class. These are the children for whom, passed by on the world's highway, as

they have so long been, none raised a voice when so loud a cry of complaint and indignation went up from those who had been large recipients of the public money, when the new regulations of the Revised Code made them tremble for future supplies. The educated classes look with scorn on these children of ignorance as unworthy to receive the privilege of learning, which they themselves have now learned to value.

We shall be told, however, that the class of children for whom we plead cannot be defined, and consequently does not exist; that the Royal Commission on Education did not consider them deserving of attention; and that a Committee of the House of Commons, sitting expressly to investigate this very subject, reported, without advising any provision to be made for them. But we are well aware that the advance of the session led that Committee to close its labours without calling important witnesses who were ready to attend from all the large towns of England; consequently, that its report was greatly founded on the condition of London, where the peculiar advantages possessed by schools under the patronage of Lord Shaftesbury, prevented the need being felt for increased pecuniary help. We know, too, that the agents of Education Commissioners do not always penetrate the back slums of cities to which they are strangers, and that the inspection only of school registers, even although it be a ragged school, by no means gives a true idea of the real condition of the families mentioned in them. We know, in fine, that it is quite impossible for Council Officers, Inspectors, or Commissioners to comprehend the moral destitution of the country, as those do whose duties lead them into those haunts of vice, those back slums, of the wretchedness of which the favoured portion of the population have no conception, and which they would gladly believe have no existence! Hence the apathy which generally exists respecting them; hence the hope and supposition among some of our legislators that the class *has* no existence; hence the advice which has repeatedly been given to us, that if the children are criminal, they can be sent to reformatories or industrial schools; if paupers, to the workhouse; and if neither, to the British and national schools, which are helped largely by the Government. If, however, we ask the Inspectors or Chaplains of these workhouse schools, we shall learn from them that the workhouse children in general spring from an underlying stratum of miserable families, untouched by any educational or Christian influence. If we ask the Governors or Chaplains of gaols, who have examined into the causes of crime, we shall learn the same thing, and wonder, from the revelations they make us, not that crime abounds, but that any can escape from the contaminating



influences with which they are surrounded, Some of these revelations I laid before the section at its last meeting. If we appeal to missionaries, they tell us of whole districts in large cities where the light of knowledge or even of civilisation has scarcely penetrated. Such witnesses as these, and persons whom Christian philanthropy has led to go out to the highways and byways, to seek and to save the lost—such as these, if asked, can always bear testimony that there are multitudes of children whose clothing, habits, and manners totally unfit them for the ordinary schools for the working classes, even if free admittance were given them. Such as these, gentlemen of influence and experience in the criminal classes, magistrates and others, met in Birmingham early in 1861, and in a large and influential Conference sustained the principle that “the welfare of society requires that all its members should be educated. Therefore, it is the duty of the State, both as regards society in general, and each individual composing it, to provide education for those who cannot provide it for themselves.” This Conference fully demonstrated the large number of children who cannot now obtain it, and do not obtain it, not only from the actual poverty of their parents, but from their low and degraded condition, which prevents them from appreciating the value of education, and from making efforts to send their children to school. The consequence of this is, not only that their children grow up without education, but that they are in such a state of barbarism, so devoid of all habits of civilised life, that were the pence paid for their schooling, or were they even provided with suitable clothing, they would be inadmissible to the ordinary schools for the labouring classes, and if there they would not receive the kind of education they require—an education not only in reading, writing, and arithmetic, but in cleanliness, order, and obedience, in the very elements of morals and religion, and in fact in everything which is needed to form a respectable man or woman.

It would be impossible here to attempt to estimate the numbers of children who are growing up in this condition. In my own adopted city of Bristol their name is legion. Any person acquainted with the locality, or who, if a stranger, will accept the guidance of one who knows the dreadful facts, may spend whole days in exploring the courts and alleys of even one district—that of Lewin’s Mead, St. James’s, and the vicinity—and will find degradation and wretchedness, the bare graphic description of which would harrow the heart of any Christian. We may hope that this is the very sink of Bristol, the acme of misery, and wonder how a zealous clergyman, with Scripture readers and numerous agencies at his command, can allow such

barbarism to exist in the very midst of his parish. But let the stranger traverse a few streets, and, passing the large and excellent Redcross-street British School, visit the many courts which turn out of that ancient street. He will there find a new phase of misery and squalor, and will not wonder that a large and well-conducted British school does not produce the slightest influence on the educational condition of the neighbourhood. Let the stranger pass on, and, crossing a bridge of ominous name, "the Traitors' Bridge," he will come to the large and neglected district of St. Jude's, which last winter was devastated by an infectious fever—no unusual event; but, on this occasion, it happily was of such a nature as to attract public attention, and to compel, in self-defence, unusual efforts not only for the mitigation of the disease, but for the adoption of sanitary preventive measures. No one who visits St. Jude's, examining its condition from house to house, and street to street, will for a moment suppose that the national school of the parish can supply the wants of the district, and it does not. The stranger may visit St. Philip's, Bedminster, the Pithay, Jacob's Well, and other districts, and find everywhere, in different degrees, ignorance and barbarism which are quite untouched by the many excellent schools of the city, whether they be pay schools or endowed free schools, which were in many cases originally intended by their founders to grapple with such poverty and ignorance.

Bristol is not singular in this condition. The same state of things will be found, in a greater or less degree, in all old large cities. In the city of Manchester, one which is perhaps not surpassed in riches by any in the kingdom, which abounds with persons who have an intelligent interest in the welfare of the labouring classes, and is among the foremost in promoting educational establishments,—in Manchester, even, a recent inquiry into the condition of one of the lowest districts, leads to the following conclusions, as drawn by a recent writer in a London journal:—

"Our statistics showed that only one child in three received the elements of instruction; that no less than nearly 600 children, deducting all under three years, were neither at day school nor at work—in other words, growing up in ignorance and idleness; that out of a total weekly income for the 1000 families of upwards of 780*l.* (781*l.* 14*s.* 7*d.*), not much more than 4*l.* (4*l.* 3*s.* 6*d.*), *i.e.* less than one one hundred and eighty-seventh of the earnings, was spent in instruction; that to supply the wants of a population of little over 4300 (4349), of whom twelve hundred (1203) were children under twelve years of age, there existed forty-four houses for the sale of intoxicating liquors—*i.e.* one liquor shop to every seventy-one persons above twelve; that one house out of every nineteen was of a disreputable character, known or suspected to be the resort of thieves and abandoned

women; and we may form some faint notion of the condition in which we fear to think how large a portion of the lower classes are living. As a result of a carefully conducted statistical investigation, it is plainly shown that in the midst of one of the very wealthiest cities in the world, a city distinguished above almost every other for the number and excellence of its educational institutions for the people, there exist many thousand of children—said to be no less than fifty thousand out of a population under half a million—growing up in the lowest state of degradation; and this, be it observed, not generally from the poverty of the parents, numbers of whom are earning, we have said, a rate of wages amply sufficient to maintain and educate their families. Here we have—and that too at a season of peculiar destitution, for the inquiry was conducted during the height of the cotton famine—a number of families whose means of living is at least equal in proportion to their legitimate expenditure, to that of the shopkeeper and even professional class—in many instances far above—yet who are sunk in filthy ignorance and misery of the most appalling kind, and rearing up a generation of children, said to be increasing in Manchester at the rate of two thousand a year, under every possible condition calculated to swell the numbers of our criminals and paupers. In face of the enormously increasing population of our large towns, such facts as are disclosed in these inquiries may well make the sanguine despair.”—(Lancashire Jottings, Inquirer, Aug. 1865, III.)

The neighbouring town of Liverpool, opulent, intelligent, benevolent as it is, extending its influence through its commercial relations over the whole world, presents results not less appalling—in fact more so, because their official character gives them a painful definiteness and certainty. Major Greig, the chief of police, in his last annual report, gives the following brief but appalling statements respecting the cases apprehended:

#### “ EDUCATION.

##### “ COMPARATIVE STATEMENT FOR FOUR YEARS.

Years.	Neither read nor write.
1861 . . . .	7,187
1862 . . . .	9,178
1863 . . . .	9,842
1864 . . . .	10,280.”

In addition to these Major Greig gives above 15,000 in the last year, and above 16,000 in the preceding one, able “to read and write imperfectly,” which is an educational condition of little practical value, making in each of the two last years above 25,000 apprehensions of persons without any available education. “This,” he remarks, “is the lowest degree of education compared with any preceding year, and *quite in keeping with the figures contained in the foregoing tables*”—a painfully significant remark; for these tables give the nature of the crimes committed, the number of persons apprehended, the arrests for drunkenness,



the thousands of juvenile offenders, "painfully on the increase," under the age of sixteen. If such is the amount of ignorance existing among those only who have come within the grasp of the law, what is the condition of the whole population that has furnished them?

These are some of our Neglected and Destitute children.

The multitudes of them that exist in our country have never yet been numbered; no attempt has yet been made by the Government to ascertain how many hundreds of thousands, or even millions, of them may exist among us. Were inquiries made from the authorities of every workhouse in the kingdom, information might be obtained of the multitudes who come there without any education, to be a burden on the country. Were the gaol officials interrogated throughout the kingdom, we might learn how many of the untaught ones had taken their first degree in crime.

These children are *ours*; they cannot help themselves; they form a part of our society; they will become the people of our land; it is not their fault that they exist in this state of degradation; ignorance cannot heal itself. For our own sakes, as well as theirs, we ought to take measures to prevent their growing up thus uncared for. If we neglect the duty imposed upon us by our greater privileges and talents, they will unconsciously inflict upon us a dreadful revenge—a constantly increasing supply of pauperism and crime. They are even now doing so. Mackay's powerful poem, "The Souls of the Children," is no exaggeration, no fiction. Hitherto no national effort has been made to rescue the children.

"All refused to listen;—

Quoth they—'We bide our time:'

And the bidders seized the children—

Beggary, Filth, and Crime:

And the prisons teemed with victims,

And the gallows rocked on high,

And the thick abomination

Spread reeking to the sky."

*Are then our Neglected and Destitute children to be educated?* It is a great national question, and we doubt not that if fairly and clearly put to the people, they would with one voice decide that in no manner could the public money be better employed; that if any portion of it is to be devoted to the education of the population, to this portion of it, above all, it should be liberally given.

Hitherto, however, no attempt has been made by the Educational Council to stimulate, or even to aid, efforts made in this direction. Until 1856 there was a steady refusal on the part of

the Council even to recognise the existence of the class. The liberal provision then made for them was speedily withdrawn, and another minute was substituted, which gave a small fraction of what was granted to the pay school for industrial work only. The Revised Code, while nominally open to schools of all kinds, virtually is unavailable for schools adapted to the wants of these children. It must be at once evident to persons possessing even ordinary acquaintance with the condition and habits of the portion of society from which our Destitute and Neglected children spring, that an educational test, compliance with which requires the greatest effort in children of the wage class, whose parents endeavour to send them regularly to school and appreciate instruction, cannot be complied with by these miserable little ones, whose condition causes them to be irregular, and makes application most difficult. Besides, the necessity of having a staff of certificated teachers alone prevents the applicability of the Revised Code to the neglected class. I will not trouble the Section with a repetition of what I have repeatedly endeavoured to lay clearly before it—viz., *why* regulations intended for schools for the wage class are utterly unsuitable to these; *how* the reiterated applications for help have received constant refusals; and *what* are the real requirements of schools for our Neglected and Destitute children. I may only briefly state, that in schools intended for them, intellectual culture, and good instruction in reading, writing, and arithmetic, are essential, with a sufficient and able teaching power; but it is also necessary that there should be industrial training, such as will develop their physical powers, and prepare their muscles for work; that there should be moral and religious instruction; and that every appliance should be employed, by playgrounds, baths, washing apparatus, and such other agencies as experience may suggest, to civilise as well as educate. At all times and in all places I shall be ready, when called upon, to enter fully on the subject. On the present occasion I shall confine myself to answering some of the objections which have at different times been made, against giving pecuniary educational help from the parliamentary grant, to the Destitute and Neglected children.

The first arises from the difficulty of absolutely defining the class. If they cannot be defined in words which will convey a distinct idea to the official mind, it is necessary only, as I have endeavoured to show, for one who wishes to arrive at the truth, himself to visit the localities where they abound, and the schools which contain them when partially civilised. Enough has already been said, it is hoped, on this subject. There can be no doubt of the existence of this mass of ignorance in our country.

Secondly.—The ragged schools are the only ones which have

attempted to act on this part of the population, and a strong prejudice unfortunately exists against them in official quarters. They have been called "bad schools," calculated to "degrade" instead of elevating the children, likely to interfere with the sound education of the higher or wage class, and to drag them down to the lower, instead of elevating the inferior class to theirs. The validity of this last reason we utterly deny. When ragged schools are conducted as they should be, they elevate a neighbourhood, instead of degrading it, and thus render a benefit to the better class, who, if they have proper feelings, never send their children to an inferior school to save the weekly payment. With respect to the neglected children themselves, who can attend no other school, they have been greatly elevated in the social scale, as we who have long worked in these schools can testify; for we have seen our ragged children grow into respectable sailors, labourers, soldiers, and even tradesmen, themselves being now the parents of children whom they take care to have well educated. These schools *elevate*, instead of degrading.

With respect to the other accusation, that they are "bad schools," we sorrowfully admit their inefficiency, both in number and in condition; for there never have existed funds (except when they are under the immediate patronage of so distinguished a personage as Lord Shaftesbury), to conduct them as they should be conducted; these schools are necessarily very expensive, if they are good. This is not a reason for refusing help, which has been acted on by the Government in other cases. Some thirty years ago, when the educational condition of the labouring population was very low, the schools inefficient and the teachers uneducated, the Government did not on that account leave the labouring population to suffer an evil which they could not themselves remedy, but applied the public money to stimulate and aid voluntary effort, in such way as then appeared most judicious, in order to raise the educational status of the country. Great success attended their efforts then. We only ask that a similar course should be pursued now towards schools which are needed, but which they now consider inefficient. Such a plea, that ragged schools are bad or *inefficient*, by no means affects the general argument. I do not here plead for ragged schools as now generally conducted—indeed I should prefer dropping that name and adopting another; I would only urge that the Neglected and Destitute children ought to be educated; that the education given them should *be adapted to their wants*; and that effective pecuniary aid should be given from Government funds, with suitable inspection, to enable voluntary benevolent effort to cope with the gigantic ignorance which now exists.



Other objections which have been urged against giving Government educational aid in the education of Neglected and Destitute children, spring from misapprehensions, which it is hoped have been removed by the facts which have been advanced in this paper. But it is necessary to notice one other, which involves an important principle. When failing to impress on the Educational Council the claim of this portion of the population to a fair share of the parliamentary grant, and the great evil of leaving the most ignorant in utter degradation, while abundant aid is given to those who can help themselves, we have frequently been told that those of our children who are destitute, can go to workhouse schools, and that if we require schools for the others, we can certify the schools under the Industrial Schools Act, and thus obtain sufficient aid to carry on both a ragged school and a school for children sentenced by the magistrate. Now were such a course as the last proposed expedient or practicable, it would not produce the effect suggested, of raising funds for the ragged schools; because the Government allowance for each child sentenced under the Industrial Schools Act is 5s. a week, which is now found insufficient for the expenses of educating, maintaining, and clothing each child, and requires to be supplemented from other sources. A ragged school could not therefore be properly supported by help derived from the Government allowance for some sentenced children received into it, without withdrawing from them what ought in justice to be devoted to them. But the ragged schools, or free schools for Neglected and Destitute children, are for those who come voluntarily, and wish to be improved; and such children ought not to be associated with those who are placed under legal sentence. Besides this, the two schools are of a totally different character—the one being a simple day school, and the other a boarding school. The system adopted in each is unfit for the other, and even the localities and premises adapted to each differ *in toto*. The proposal to apply the Certified Industrial Schools Act to the tens of thousands of children who exist in dense ignorance in our country, is simply impossible, because the children do not necessarily commit acts which would bring them under the provisions of that law; and if they did, it is absurd to suppose that the magistrates of Bristol, Manchester, or any large town, could or would sentence thousands of children annually to such schools, or that the Government would allow the continuance of an Act which clothed and fed children from the public treasury, at an expense of 13*l.* per annum, simply because they required education, which might be provided them at a cost of 1*l.* per annum. Equally untenable is the suggestion that destitute children should be sent to a workhouse school.

If they are not actually paupers they cannot be relieved, even in the matter of education, by the parish funds, and surely we ought not to desire that they should be pauperised. But even if their parents are actually receiving out-door relief, it by no means follows that their children will receive education; on the contrary, as the law now stands, it is most probable that they will not. Providing education for children whose parents receive out-door relief, or who, being orphans, receive it themselves, is not compulsory on guardians, and therefore is seldom given by them. This proposal is therefore untenable. The tens of thousands of our Neglected and Destitute children remain untaught and ignorant. Voluntary Christian effort has done its utmost, but cannot unaided grapple with the enormous evil. Let the Government efficiently help this as it has done other departments of education, and abundance of voluntary effort will support it. One pound given annually for the education of each of these children, in a school where they would receive a true and useful education, adapted to their requirements, would save the country 13*l.* per annum for education in a certified industrial school; 16*l.* in a reformatory; and from 30*l.* to 40*l.* per annum in a convict prison.

I earnestly intreat the Educational Section to solicit the attention of the Government to this most important subject, and to request that a full investigation of the extent and nature of the ignorance which pervades our land may be made in the Educational Committee, which has not yet completed its sittings, and a proper provision made for these children.

We have "bided our time" in this matter of the Neglected and Destitute children. The consequence has been, what has often been predicted, "Beggary, Filth, and Crime" have seized the children, and established themselves in our midst. Let us all strive to rescue from them these children, and have them educated! Each one of these has powers within him, given him by the Creator, and he is cruelly injured if, in a Christian and civilised country, he is left to grow up to maturity without the power of unfolding his higher nature. Let us all feel the sacred duty of helping those neglected ones. All have immortal souls, and are the children of the same Heavenly Father! All are born free and equal in our land; all may become useful members of the community if properly educated! Let the State no longer leave untouched the plague-spot in our midst, or neglect the thousands who cannot rise unaided, if they would, from the slough of despondency and ignorance which pollutes our country.

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## INTERNATIONAL EDUCATION.

THE announcement that the International Education Society has elected to the office of Principal one of the most eminent scholars in Britain, and that under his direction their English college will shortly be opened, is, to many, the first intimation of the existence of such a society. It is seldom that one important scheme of educational or other reform passes into action without much of that discussion which is thought indispensable—at least, is largely employed—in this country to prepare public opinion for the change. The scholastic history of the last half century is, however, a record of educational experiments, whose tendency the promoters of this society believe they have rightly interpreted and faithfully represented in the scheme which they are about to reduce to practice. Discussion seems, therefore, unnecessary, since public opinion has already expressed itself with tolerable clearness in the efforts which private enterprise and State inquiries have made to ascertain and to supply the educational wants of the country. The name and reputation of Dr. Schmitz, Rector of the Edinburgh High School, who has resigned his present appointment so as to enter, in January, on the duties of his new office, are, it is true, sufficient guarantee of the excellence of any educational cause sanctioned by his experience and under his personal direction; but as the society contemplates something more than the foundation of a thoroughly good English school, it is worth while inquiring what are its aims and what the means it would employ for their fulfilment. The details of the contemplated plan have not yet been published, but the prospectus of the society, with the brief notices which have already appeared in English and foreign journals, supplies sufficient information as to the general principles which it represents. A short summary of the educational changes during the last half century will best exhibit those tendencies of which the international scheme claims to be the full development.

The time is comparatively recent when such questions as those proposed in a paper read before the last Social Science Congress—"Classical Education: when, how, and for whom?"—were inadmissible, when the supremacy of the classics was unquestioned, their necessity for all undoubted. The "liberal education" of those days was the end and aim of all schooling; so many years were given to Latin and Greek by all, regardless of their usefulness in after life. The pursuits of later years could only be prepared for by special training at the close of school-



days, or, if attempted at an earlier period, involved the sacrifice of all the nominal or real advantages attaching to the reputation of a liberal education. If any whom fear of the latter had subjected to the former course, lamented in after life the sacrifice of time then exacted from them, they were met by the assurance that the time had not been wasted, had, indeed, been compensated by the mental discipline they had received in the laborious mastery of subjects forgotten from the day of leaving school, and that no other method could have been productive of such good effects. The admission that the demands of the present day are widely different, does not necessarily imply any depreciation of the results of a former system. A liberal education now means something more than Latin and Greek. True, these are still rightly considered essential to the highest cultivation, but knowledge of other things is needed. It would be tedious to point out the necessity of acquaintance with the principles of science; of familiarity with the literature of other countries, or the power of acquiring it. In no sphere of life can a man hope for success, still less can he look to attain social influence, if he venture to disregard the general activity in all departments of knowledge, remote though their influence may be on his special pursuits. When a "liberal education" was the end of teaching, all other subjects were subordinated to this one central idea. The work of the preliminary English school was practically suspended on entering the classical school. So soon as private enterprise demonstrated the success of efforts to impart instruction in other things than Greek and Latin, public schools reluctantly yielded to the influence of competition, and adopted these subjects into their curriculum with the least possible sacrifice of the time held essential for the learned languages. When modern European tongues began to receive increasing attention, the influence of private teachers becoming at the same time more marked, these too began to find a place in the programmes of the more powerful institutions; but the concession was grudging. French, and later German were admitted; but attendance on these classes was optional, and could only be given by the sacrifice of the hours for recreation. What wonder, then, if comparatively few profited by the opportunity, or if teaching under these circumstances was most unsatisfactory in its results. The effective study of these languages was under private teachers, or deferred till later years. Utilitarianism had many and strenuous advocates; but, bigoted as most extreme opinions are, its actual achievements were less than its value as a protest, ineffectual because unwise, against a system which could only be remedied by more gradual reforms. The nearer we approach our own times, the more numerous have been the attempts to extend the field of

school teaching. Thus physical science, which twenty years ago was strangled in the few public institutions where its introduction was attempted—not by public indifference, but because the classical cause was too exclusive—is now more generally taught, and is demanded from those whom the State certifies as qualified to become the teachers of the next generation. But fair attention to these and similar studies is still incompatible with the scale on which prejudice, right or wrong, maintains classical instruction. They had existed as “extras” (in the apt phrase of advertisements) long before the central space of the system had been encroached on. A few had gained time for other studies by the surrender of that of Greek; and this timid, tentative reform was speedily followed by the opening of schools in which even Latin was left to the option of parents.

The tendency evident in these isolated efforts is towards the development of a system which, giving no undue prominence to any one subject, shall secure the highest kind of mental discipline, without encumbering the pupil with knowledge whose usefulness ceases with its acquisition. The principle which must form the basis of any such system is that education, to be successful, must have reference to the future wants of the individual. It is not a learned *class* which society now wants, but *men* who shall enter upon life fully prepared to struggle successfully with the difficulties special to the position which may fall to the lot of each. Too rigid adherence to this, as to any other general principle, might, however, beget a routinism as pernicious as that of the extreme classical times: would create a class of crammed men, full of facts, but deficient in cultivation, lacking breadth of intellectual grasp. It is this necessity for cultivation which has so long maintained the ancient languages in their place, and has won for them the favourable opinions of our highest physical philosophers, whose words are claimed as valuable supports of the present public school systems. But this is based on the fallacy, for which teachers are themselves responsible, that Greek and Latin are the *only* available agents of mental training. Some, at least, of our ripest scholars demur to this conclusion, and, neither in theory nor in fact, find any reason for thinking other subjects incapable of being used as equally efficient means of discipline. The experimental test can alone determine the accuracy of either view.

The scheme of International Education takes up the inquiry at this point. Free, on the one hand, from the bigotry of utilitarianism, and objecting, on the other, to the exclusion from the earlier stages of education of all subjects in favour of the classics, the society proposes to train boys so that the knowledge gained at school may serve as a means of mental cultivation,

without ceasing to minister to their success in after life. The discipline formerly thought impossible without the classics, it seeks to secure by means of modern languages, in the belief that thorough training in these will facilitate, not impede, the subsequent classical studies, if these are required as preparatory for professional life. Thus a common training up to a certain point is secured, and from that point divergence is possible into the particular course of preparation required for various pursuits. Competition is too keen in every walk of life to admit of the loss of time necessitated by a system which trains all boys as if they were meant to be scholars, and then leaves them to teach themselves the business of their callings. If many are content to forego the advantages and reputation of a learned education, the wisdom of trying to compensate them for the sacrifice is unquestionable. A knowledge of modern languages is now essential to success in every pursuit, commercial, scientific, or professional. Their study is, therefore, at once a means and an end; an agent of discipline and a source of knowledge. In neither respect can they be accepted as inferior to the classics, till their teaching is raised to the same standard of excellence. The doctrine of special education involves instruction in other branches of knowledge. Science has, in some respects, become a trade: right or wrong, the fact is undeniable, and must be provided for by affording early instruction in its principles; for thus alone can the evils of empiricism be avoided, or mitigated. On the other hand, commerce has been raised almost into a science, whose laws, in part peculiar, also share largely with those of other mental and physical sciences. Preparation for such a career implies, therefore, more than "the three R's" of so-called commercial academies. What, then, is the place of the classics under such a system? The professions to which they are essential still remain. But, as the study of the strictly professional subjects is more effective at a later period, when the judgment is riper, the knowledge upon which they are based will be most advantageously acquired after the student has already received some degree of cultivation. If, therefore, the classics are, for a short time, postponed to modern languages, the student enters upon them armed with those principles which will enable him to find in their literature something more than illustrations of grammatical rules.

Thus the points in which the proposed scheme differs from those already in operation in this country are:

1st. The admission of the principle that education, as a means to an end, must have a certain latitude of variation in method, so as to adapt it to the varying end, which is the usefulness in after life of each individual.



2nd. The belief in the existence of a common course of discipline equally applicable to every career, and yet not such that its results cease to be useful in any.

3rd. The due apportioning of the time spent on each branch of study, so that the mastery of subjects collaterally useful shall not be obtained at the cost of time which might be spent more profitably to the individual on studies more directly bearing on his future career. Thus, the commercial man shall not lose years in the study of classics, nor the lawyer in that of science.

4th. The relegation of classical languages to their proper place, not as a praxis in grammar, nor an exercise in philology, but as a means of studying a literature rich in knowledge, but knowledge for the most part of a special kind.

The scheme is bold and original, and withal thoroughly practical. Its success is impossible unless it is directed by a man liberal in opinion, sound in knowledge, and experienced in practice. There is danger in this, as in other innovations, of pushing principles too far, and illustrating them at the cost of facts. No one will suspect Dr. Schmitz of under-estimating those studies in which he has earned his high reputation as a scholar, while his temperate judgment and philosophic spirit are ample securities that the conflicting demands of the time will be fairly weighed and duly appreciated.

But there is another aspect of the scheme, namely, that by which it seeks to connect English education with that of other countries. This, the international part of the scheme, is a recognition of the necessity for fuller, readier command of living languages than can be obtained from grammar and dictionary, even under the guidance of a skilful teacher. Formerly this could only be obtained by residence abroad during or after school days; the former method almost inevitably results in an inferior kind of education, whether the whole or part of school instruction was obtained abroad; the latter is only available for those who can afford the time, at an age when most middle-class lads are about to enter on the active duties of life; while both involve a pecuniary outlay, and moral, often also physical, risks which greatly reduce the number of those to whom either course is open. The Society proposes to establish sister institutions in one or more continental countries, and to make the courses in all parallel. Thus the transfer of a pupil from one institution to another will not interrupt the order or character of his studies, since in each he will find the same subjects taught after similar methods. He will thus, by passing from one country to another, acquire the language of each, at the age most favourable for their acquisition, and at the same time pursue, with little interruption, the course upon which he may have entered. The

parallel arrangement of the curricula is a result of the respect for the right of parents to decide, within certain limits, as to the education of their children, and as to the order and amount of transfer, most in accordance with the future wants of the pupil. The responsible corporation under whose direction these foreign establishments will be conducted, gives security for the same moral and sanitary safety as is looked for in an English public school; while the expenses of residence abroad, will be reduced, by this associated action, within limits which will make the advantages of the scheme available for a larger number than at present. The cost of education in the English College, has been, according to the prospectus, calculated at a sum so moderate as to be within the reach of many who are practically excluded from our large seminaries.

It will be seen that a practical solution of several important educational problems, will result from the success of the society's efforts. But valuable as this result may be, there are others of equal importance. Among these may be mentioned the increased knowledge which the nations who may participate in the scheme will obtain of each other, and the political and social influence likely to flow from such knowledge. But whatever amount of success, in this respect, may crown the future labours of the society, it must not be forgotten that the first effect will be to establish in this country a sound system of instruction, to concentrate and systematise the isolated efforts of rival methods which ought rather to work in concert, and to demonstrate the possibility of equally educating all without sacrificing any.

Y.

## OZONE AND ANTOZONE:

IN RELATION TO HEALTH AND DISEASE.

BY R. H. ALLNATT, M.A., M.D.

**I**T probably gave rise to feelings of considerable surprise in the minds of most people, when they learned for the first time that a molecule of ordinary atmospheric oxygen, which they had been taught to regard as a simple elementary substance, when presented to the blood in the lungs, became split up into two oppositely electric atoms, and entered the circulation as ozone and antozone. It will be interesting to follow the process of ratiocination which led to this inductive conclusion.

About the year 1838, M. Schönbein, Professor of Chemistry at Bâle—whose name became subsequently universally known in connexion with the discovery of gun cotton—in making expe-

riments on the decomposition of water by the voltaic pile, was struck with the perfect analogy which existed between the peculiar smell which is evolved when ordinary electricity passes from the point of a conductor, and that which is disengaged when water is decomposed by a voltaic current.

At that time, Schönbein supposed the odorous principle to be a simple elementary body, and he characterised it by the name of *ozone*, which does not convey any definite idea of its nature, certainly; but, as it has now become so familiar a designation, the attempt to change it would be unwise.

From certain indications which had previously been pointed out by Messieurs Braconnot and Pelouse, Schönbein suspected that ozone existed naturally in the atmosphere. This conjecture, or rather, perhaps, the recognition of the principle, had been formed in or about the year 1826, by Dr. John Davy, brother of Sir Humphrey Davy, and Van Marum, about the close of the last century; the latter of whom had observed that oxygen, resting upon plain water, was not affected by electricity except that it acquired a strong smell, which seemed evidently to be identical with that produced by the matter of electricity. Dr. John Davy had pointed out not only the minute facts attending the production of atmospheric ozone, but, in his lectures on "Agricultural Chemistry," gave the precise formula for the chemical tests, which were subsequently adopted by Schönbein.

In process of time, it became satisfactorily proved that ozone itself was not a simple element, for its decomposition had been effected, and found to produce water and oxygen; and it was consequently concluded to be hydrogen in a state of oxidation considerably beyond that of water; and that ozone produced by the battery consists of suroxide of hydrogen, and is identical with that produced by the action of the air on moistened phosphorus. Ozone, therefore, is simply electrified oxygen, or oxygen in an allotropic condition.

The fact of this novel condition of oxygen, when first publicly announced, created no small stir in the scientific world, and it was predicted that, as the handmaid of science and the arts, the new agent would confer important benefits on mankind. To the medical man and the pathologist its action was deemed of paramount importance, for it was found that the air in its normal condition contained one ten-thousandth part of ozone, and that in one two-thousandth part it occasioned death by asphyxia.

Ozone is produced in the atmosphere by a variety of causes, and, according to M. Scutteten, who first published a work on the subject, it is not a mere chemical agent, but is an instrument in the hands of the Creator of the Universe for the production of the grandest phenomena of nature. By it, he says, can be



explained the laws of atmospheric electricity, the formation of aqueous meteors, the periodical and diurnal oscillations of the barometer, and the means of restoring to the atmosphere the oxygen contaminated by respiration, by natural oxidation, and by combustion.

The fact did not escape M. Scoutteten that ozone is invariably absent from inhabited dwellings. Slips of ozonoscopic paper were kept in the wards of the military hospital at Metz—of which he was chief physician—several days, without affording the slightest trace of discoloration, whilst the tests exposed to the full influence of the external atmosphere gave 7 to 10 degrees of the ozonometric scale. Other experiments, prosecuted by Dr. Berigny, at Versailles, were attended with identical results. Several others, made in this country, also satisfactorily prove that, beyond the quantity of ozone which enters a dwelling-house with the external atmosphere, no further manifestation of increase occurs, and it cannot be wondered at when it is considered that ozone, being the product of elementary commotion, such as that produced by thunder-storms, conflicting wind currents, and such-like natural phenomena, can never be *engendered* in a quiescent or stagnant air. M. Scoutteten winds up this part of his report by stating that it is impossible, therefore, to avoid the conclusion that a clue is thus given to the different effects produced upon the health by in-door exercise and out-door exercise, by town life and by country life, by labour in the crowded workshop and labour in the open fields.

In the year 1851, at a meeting of the members of the Royal Institution of Great Britain, Professor Faraday gave a brief summary of the then existing state of the question on this interesting subject. He reviewed the ancient facts which belong to it, and the high hopes of progress which it offers for the future. He stated the sources of ozone to be—when the electrical brush passes from a moist wooden point into the atmosphere, and indeed in almost every case of electrical discharge in the air; or when water is electrolysed, as in the case of a dilute solution of sulphuric acid or sulphate of zinc; or when phosphorus acts at common temperatures on a moist portion of the atmosphere.

Ozone, when obtained by these three essentially different processes, is identical in every respect; its properties are as follow: 1. It is a gaseous body of a very penetrating nauseabund odour; when concentrated, the odour approaches that of chlorine; when diluted, it cannot be distinguished from what is called the electric smell. 2. Common atmospheric air strongly charged with it renders respiration difficult, causes unpleasant sensations, and produces catarrhal effects, by its powerful action on the mucous surfaces of the aerial passages. Such air speedily kills small

animals plunged into it, so that, in its pure state, ozone is highly deleterious to the animal economy. 3. It is insoluble in water. 4. Like chlorine, bromine, and the metallic peroxides, it is a powerful electromotive substance. 5. It discharges vegetable colours with a chlorine-like energy. 6. It converts phosphorus ultimately into phosphoric acid; it combines with chlorine, bromine, and iodine; it does not unite with nitrogen under ordinary circumstances, but does when lime-water is present and nitrate of lime is formed, from which nitre may be readily obtained. 7. At common, and even low temperatures, it acts powerfully upon most metallic bodies, producing the highest degree of oxidation of which they are capable. Lead and silver are carried at once to the state of peroxides; arsenic and antimony produce arsenic and stibic acids. 8. It transforms many of the lower oxides into peroxides; thus the hydrate of the oxides of lead, cobalt, nickel, and manganese, become in it peroxides; the basic oxide of silver undergoes the same change. 9. It decomposes rapidly the solid and dissolved protosalts of manganese; the hydrated peroxides of the metal being formed and the acid of the salts evolved. 10. It decomposes the solution of the tribasic acetate of lead; the peroxide of that metal and the ordinary acetate being formed. 11. It rapidly converts the protosalts of iron and tin into persalts. 12. It destroys many hydrogenated gaseous compounds; the combinations of hydrogen with sulphur, selenium, phosphorus, iodine, arsenic, and antimony are thus affected. It appears to unite chemically with olefiant gas in the manner of chlorine. 13. It instantly transforms the sulphurous and nitrous acids into the sulphuric and nitric acids, and the sulphites and nitrites into sulphates and nitrates. 14. It changes many metallic sulphurets (as those of lead and copper) into sulphates. 15. It decomposes many iodides in their solid and dissolved state. By its continued action iodide of potassium becomes converted into iodate of potassa. 16. It changes both the crystallised and dissolved yellow prussiate of potassa into the red salt, potash being evolved. 17. It produces oxidising effects upon most organic compounds, causing a variety of chemical changes; thus guaiacum is turned blue by it.

From the above wide range of enumeration, it would appear that ozone is a most ready and powerful oxidiser, and that it is oxygen in an allotropic state—that is, with the capability of immediate and ready action impressed upon it. We also learn from the minute recapitulation, the important effects which must arise from the universal and never-ceasing agency of this all-pervading elemental principle.

In 1859, at another meeting of the members of the Institution, the late lamented Prince Consort in the chair, Dr. Faraday

again adverted to the subject of ozone, and stated that Schönbein had been lately led to the belief that oxygen can exist in a third state, as far removed by its properties from ordinary oxygen in the one direction, as ozone is in the other; and therefore, in a certain sense, antagonistic to ozone. This substance he names *Antozone*, and believes that it also enters into combination, retaining for a time its special properties. Hence there are not merely ozone and antozone, but also ozonide and antozonide compounds. Thus permanganic acid, chloric acid, peroxides of manganese, lead, cobalt, nickel, bismuth, silver, &c., form a list of bodies containing more or less of ozone in combination; and the characters of ozone and of these bodies, because of the ozone in them, is, that they are electro-negative to the antozonides, *i.e.* as copper to zinc; they evolve chlorine from chlorides; they cannot generate peroxide of hydrogen, and they render blue the precipitated tincture of guaiacum. On the other hand, oxywater and the peroxides of potassium, sodium, barium, strontium, and calcium, form a list of substances containing antozone. These bodies are electro-positive to the former; they cannot evolve chlorine from hydrochloric acid or the chlorides; they evolve the peroxide of hydrogen when treated either by oxyacids or even the hydrochloric acid; and they not only do not render blue the white precipitated guaiacum, but they restore that which has been rendered blue by ozone to its white or colourless condition.

Thus stood the question in 1859; but in March last a paragraph appeared in one of the scientific periodicals, which went the round of the English journals uncontradicted, announcing in precise and positive terms, that Schönbein had succeeded in isolating antozone. This, however, proved subsequently to be a false report; and it was stated that when the circumstance was related to Schönbein, he was much amazed at the credulity of our countrymen. The learned professor might have spared this obvious sneer at our credulity, had he stopped an instant to consider that in 1861, in a letter addressed to Dr. Faraday, published in the *Philosophical Magazine* of that year, he states: "I have been working hard these many months to obtain antozone, and I flatter myself that I have succeeded—at least to a certain extent." No great stretch of credulity to credit him in '65, with what he avowed he had almost accomplished in '61!

However, let us give honour to whom honour is due. If Schönbein has not succeeded in his attempt, let us see what result has attended the well-directed efforts of another known German experimenter, who, according to his own detailed report, appears to have met with greater success.

In 1863, Dr. Meissner, of Hanover, published a small work,



entitled "Untersüchungen über den Sauerstoff," in which he states that he had succeeded in isolating artificial antozone, and he describes it as a substance possessed of such remarkable properties, as left no doubt on his own mind that it plays a very important part in the varying conditions of the atmosphere. His method of obtaining it was by electrifying a perfectly dry stream of oxygen gas, and afterwards depriving it of its ozone by a solution of iodide of potassium. The gas thus prepared has the remarkable property of forming, in contact with moisture, dense clouds, the aqueous vapour becoming condensed in the form of little vesicles or hollow spheres, which remain suspended, and constitute the cloud. According to Meissner, this result is due to the great attraction of antozone for water, and leads further to the formation of peroxide of hydrogen, wherein is contained the second atom of oxygen in the state of antozone. He considers every cloud of our atmosphere antozonic, that is, formed under the direct influence of antozone; in support of which view he adduces the curious fact, that clouds can only be formed in gases which contain oxygen. If aqueous vapour be condensed in gases which are free from oxygen—or in a vessel which contains besides water no other gas—the condensation never takes place in the form of a cloud, but in that of little solid globules, which, by reason of their greater specific gravity, instantly subside.

Our author endeavours to prove that antozone is formed naturally wherever ozone exists, but the presence of the former is more difficult to prove than that of the latter, owing to a singular property of antozone, which Meissner calls "*abklingen*," or want of persistence, for, when left to itself, it speedily loses its specific characteristics, and becomes converted into ordinary oxygen. Its peculiar and important properties are due to its molecules being charged with free positive electricity. Meissner considers antozone, therefore, to be the binding medium—the receiver and retainer—of atmospheric electricity.

These important facts, so minutely detailed by Meissner, have yet to be verified by subsequent experimenters; but, should they prove to be legitimate deductions, they will be a great step in advance in the science of meteorology. Dr. Meissner's work deserves to be more generally known than it is, and a free translation from the German would be an acceptable boon to the English student. The want of persistence, of which he complains, has been the chief obstacle experienced by other observers to the obtaining a definite result when experimenting with so evanescent a body as that of the peroxide of hydrogen.

The presence of atmospheric ozone is tested by means of a delicate re-agent. Pure white bibulous paper, saturated with

iodide of potassium and starch, is cut into slips of about three inches in length and half an inch in width, and exposed to the influence of the external air for twelve or twenty-four hours, day and night, in a situation sheltered from the direct rays of the sun. The quantity is ascertained by an ozonometer, which consists of a chromatic scale of 10 degrees of varying shades of violet. To determine the precise degree on the scale, a slip of the prepared paper, called an ozonoscope, is suspended in a northerly aspect, to which the air has free access, and after due exposure, is dipped in cold water; the extent of coloration thus elicited by the saturation of moisture is compared with the ozonometer, and the result registered.

The important consideration of the influence of ozone on the human constitution, in relation to health and disease, may be gathered from the physiological effects which follow a superabundance of stimulation on the one hand, and the withdrawal of a healthy agent on the other. If ozone be presented in excess to the lungs, it excites the mucous tissues with which it comes in contact to inordinate action, and produces catarrh and other symptoms of undue oxidation. Diphtheria has been stated to have followed the course of an abnormal development of elemental ozone. On the contrary, if ozone be materially diminished in quantity, or a period of positive antiozone occur, the blood, having lost a natural stimulus, the vitality, *pro tanto*, languishes, contagion spreads unchecked, and those fevers which have for their vehicle the proto-carbonate of hydrogen are widely disseminated. It would hence, *à priori*, follow that the more concentrated the epidemic, the lesser quantity of ozone would be in the air, and experiments have to a certain degree substantiated the fact. During the latter portion of the past unprecedentedly dry summer, when the fatal pestilence raged almost universally amongst our cattle, the germs of epizootic disease lay for weeks together fretting and sweltering under the aspect of a cloudless sky and the rays of a hot and burning sun, and the plague was wafted far and wide, resistless and uncontrollable by human means brought to bear upon its treatment—the generation of ozone was found to be below its natural standard.

It is stated by Schönbein, that when ordinary oxygen, such as exists in the atmosphere, enters into combination with oxidisable matters, organic or inorganic, in the presence of moisture, the molecule of neutral oxygen becomes split up into two oppositely active atoms, and undergoes *chemical polarisation*, which accounts for the changes which take place in the tissues of the animal organisation. He has not been able to detect the presence of hyperoxide of hydrogen in the blood, but he proves that ozone is quickly absorbed by that fluid, and unites with the albumen,

blood corpuscles, and fibrin, and essentially modifies the chemical composition of those substances. The hyperoxide of hydrogen, however, leaves the albumen unaffected, but quickly modifies blood corpuscles and fibrin. He found that blood deprived of its fibrin continued for a long time to decompose the hyperoxide of hydrogen, until the blood became almost decolorised. This property of the blood corpuscles is so remarkable and decisive, that Schönbein thinks the test might be rendered available in criminal cases in examining for stains of blood. The oxygen we inhale is, therefore, when in contact with the blood, quickly decomposed into ozone and antozone, and both (the latter in the form of hyperoxide of hydrogen) combine with organic matter, and are subsidiary to the various processes of oxidation which are perpetually going on in the animal economy.

Thus far Schönbein. The conclusion which arises from the whole of the facts under consideration is, that ozone is rapidly absorbed by the blood, and exerts a powerful action on albumen, blood corpuscles, and fibrin. The hyperoxide of hydrogen, in which, according to Meissner, resides the second atom of oxygen, in the shape of antozone, has no action on the albumen, though it exerts considerable influence on fibrin and blood corpuscles, has great affinity for water, and is, besides, an electric exponent. It is probably exhaled in the form of vapour while the ozone is subsidiary to oxidation. The greater amount of ozone, therefore, which is present, the more effectually is this process sustained.

Now, when we recollect that the nutrition of the body is effected by the ingesta being gradually deprived of their oxygen, whilst during the process of renovation (destructive assimilation) the tissues undergo a real combustion, taking up oxygen or becoming oxidised; and that the respiration, besides the deduction out of the body of the products of the internal combustion, has also to provide all the oxygen for the process of oxidation or combustion within, and in which ozone plays a very important part, it is easy to trace the essential relation to health that everything must have which is calculated to assist this process of a healthy metamorphosis. We know, also, on the contrary, that if during the destructive assimilation the oxidation of effete nitrogenous matter be incomplete, uric acid is formed instead of urea, and the non-nitrogenous hydrocarburets are only partially converted into carbonic acid and aqueous vapour, and partly into fat. Thus the elimination of effete matter is incomplete, and gives rise to various morbid deposits, as tubercles, fatty degeneration, and so forth. The want, therefore, of sufficient oxidation may thus be considered the root and the origin of the most destructive and fell diseases to which humanity is subject.



## ON THE APPORTIONMENT OF SENTENCES TO CRIMES.

BY T. B. L. BAKER, ESQ., HARDWICKE COURT.

A NEW system has been suggested of regulating the sentences passed on criminals. It is assumed, and we think few will disagree with such assumption, that the diminution of future crime is the only object which we either wish or have a right to consider in the passing of sentences, and that punishment for past crime, while most valuable if it serve to deter either the person sentenced or others from future offences, ceases to be either practical, or philosophical, or Christian, if inflicted without reference to the future. That now suggested founds its claim to public consideration solely on the ground of its being more preventive of future crime than the system, if system it can well be called, which is now in use.

Let us place fairly before the reader the two modes of allotting sentences to crime, and then consider the bearings of each.

Under the existing system, when a prisoner is found guilty the magistrate (whether judge, or chairman, or recorder, with or without consultation with others) considers carefully the evidence which has been adduced, estimates from it as correctly as he can the amount of turpitude in the mind and heart of the prisoner, and orders the infliction of just so much punishment as in his estimation shall be equal or proportioned to that amount.

On the other hand, the new system, while by no means suggesting that the magistrates should be restricted by law, nor that they should bind themselves to any invariable rule, proposes that they should agree amongst themselves to adopt a definite principle, which it is believed would answer well in eighteen or nineteen cases out of twenty, although in the twentieth case it might require great relaxation; and that the sentences should depend, not on the estimated amount of the guilt of the past crime, but upon the simple fact of whether the criminal had or had not been previously convicted. A scale of punishments is laid down, concerning which much discussion has arisen, but the first point for consideration is whether a scale fixed and understood by all, or one which varies with the will or opinion of each magistrate, would tend most to the diminution of future crime. The scale suggested is that a prisoner on a known first conviction in eighteen or nineteen cases out of twenty, should, if possible, be tried summarily, and receive a week or ten days' im-

prisonment, with a warning! that if he again offend he will receive—not a sentence of imprisonment varying from a fortnight to three months, according as he may have the luck to steal much or little, or to find a lenient or a strict judge—but a commitment for trial at the sessions or assizes, involving all but a certainty of twelve months' incarceration, and for a third offence seven years' penal servitude, and for a fourth the longest term which the law allows.

A difficulty still remains with reference to that numerous class in which the prisoners' antecedents are unknown. It is proposed to meet this by making it the rule to commit all to quarter sessions, excepting such as can show to the satisfaction of the magistrates that they have not been previously convicted for, at any rate, several years. It is believed that about two-thirds of our convictions are of men who have lived for at least some years in the neighbourhood, and whose characters could be easily ascertained. The remainder would be allowed to explain where they had lived, and for whom they had worked, during the last few years, and their statements might be verified by the superintendent of police during a week's remand. If such account appear to the magistrate to be satisfactory, the prisoner would receive the short sentence mentioned above; but, if he fail to show any reasonable grounds for believing that he has lately lived an honest and steady life anywhere, it should then be the rule to commit him to quarter sessions, partly to give time to inquire his antecedents, and partly to check his wandering habits.

Such are briefly the two systems under consideration. In favour of the former, it is urged that great discretion must necessarily be left in the hands of magistrates. Offences which come strictly under the same legal definition vary extremely in the amount of guilt. A theft which, if practised on a stranger, and under momentary temptation, would merit only a week's imprisonment, would, if committed with premeditation, and the person robbed were a master, be deservedly punished with six months, though in either case the property were of the self-same value. Offences vary so much, that, if they are to meet an exact proportionate amount of punishment, no rule can be laid down. It is true that magistrates' estimate of the amount of wickedness in each prisoner must vary, and that the punishments given in one court must differ greatly from those allotted by another; but there can be little doubt that all are honestly adjudged, and by men who are entitled to all confidence, whether they be judges whose lives have been spent in the study of the law, or recorders, or stipendiary magistrates chosen from the Bar. Even in the case of the unpaid magistracy, whether in quarter or petty sessions, several usually act

together, and the opinion of those of the greatest experience has the most weight. Thus sentences are pretty sure to be well and wisely given, and to withdraw from such a body the discretionary powers which they now enjoy, would be to cast an undeserved stigma on them and lower their position. Indeed, it is urged that there would be little use in retaining the office of a judge or magistrate, if these functionaries are to be so shorn of their dignity as to be deprived of the power of passing exactly what sentences they may think fit.

We think the above is not an unfair or unfavourable view of the opinions urged by the admirers of the present system, and to express a doubt of its truth appears almost heretical; yet, if we consider the arguments, they are hardly tenable.

First, it is stated that large discretionary powers must be given to the magistrate in order that the punishment may be accurately proportioned to the offence. It is assumed that the whole value of punishment consists in its being so allotted. Is this really so? Is it true that we derive either benefit or gratification from the inflicting a punishment exactly proportioned to the injury inflicted on society by the culprit? Probably few, if any, will be found to defend this view. But it may be said that a punishment so proportioned will deter future criminals. A little consideration will show us grave cause to doubt this. All who have had real experience of the feelings of the criminal class, well know what a reckless, thoughtless race the majority of them are. It is the common law of human nature, that we all look on our own offences with a favourable eye. The weak and unreasoning class who fall into crime are especially liable to this error. The consequence is, that as they cannot tell exactly the view the magistrate will take, they almost always hope for a less punishment than they receive. If so, our system fails to deter, and therefore to prevent, and its punishment becomes mere retribution for the past, not prevention for the future.

This point is well worthy of close consideration. If it can be shown that either punishment, or retribution, or retaliation for the past, irrespective of the future, is to be desired on either moral or religious grounds, or if it can be shown that a fixed system of allotting sentences will not deter future criminals so much as one which varies according to the will or opinion of each committing magistrate, so much of the argument falls to the ground; but it is of much importance that this question should be fairly and closely examined.

But, secondly, it is said that the judges and magistrates are such a body of men as may well be trusted with large discretionary powers. None who have had opportunities of acquaintance with them, will doubt that our judges are as highly



talented and as upright a body of gentlemen as the world can produce, and that on any subject where they have experience, their opinions are entitled to the greatest weight. In weighing the value of evidence, in investigating the legal guilt or innocence of a prisoner, they are probably unequalled. In estimating the amount of moral turpitude displayed, they may probably, from their natural and acquired shrewdness, surpass most others. But what opportunities can they have ever had of studying the opinions and feelings of that race who are to form our future criminals, or of finding out what punishments will be most efficient in deterring them from future crime? Yet if the object sought is not retribution for the past, but prevention for the future, this acquaintance with the motives and feelings of the criminal class, is the especial knowledge required in the allotment of sentences.

To recorders and stipendiary magistrates, the same arguments apply in a less degree. They are probably, on the whole, inferior in talent to the judges, but from their labours being confined to one town, they have some opportunity of hearing from the gaoler or police what effect has been produced by many of the sentences they have passed. Some of those, however, who rank among these gentlemen as the highest authorities on the subject of the Repression of Crime, are, it may be observed, warm supporters of a *nearly* fixed and intelligible system of sentencing.

The great unpaid body of magistrates, as they are sometimes termed, are, it must be conceded, far inferior in talent to the judges, yet such as fill the post of visiting magistrates, have far larger opportunities than judges of gaining a knowledge of the effects of punishment; nevertheless, in spite of this advantage, their very number precludes a hope that they would exhibit such uniformity of action as will have a really strong effect in deterring future criminals, unless some principles of action are laid down and agreed to.

But the most extraordinary and the least complimentary idea, is that which supposes the *dignity* of judges, recorders, and country gentlemen to depend on their freedom to order for a criminal just what punishment they may fancy, without having any rule to guide them to a similarity of action. It seems to be held treasonable to show that one system is more efficient than another, because such showing would deprive them of their liberty to take the less efficient course. We may leave such arguments to answer themselves. If the dignity of the bench did not stand on more secure ground than this, we might indeed tremble for it.

But the important question comes, Will such a nearly fixed system as that which is proposed tend to diminish crime? For many reasons we may expect that it will do so. If a man who has received a ten days' imprisonment is aware that his

next conviction will ensure a detention for twelve months, instead of some uncertain period which he invariably hopes will be shorter than it proves to be, such knowledge will be unquestionably more deterrent than the present uncertainty; and at the same time, when the consequences are clearly laid before him, he will have far less right to complain of harshness than now, when he is frequently tempted to hope for a light punishment, but practically receives a heavy one.

Furthermore, such a system must ere long bring to an end the very existence of skilled thieves; for as a man would, on his second conviction, be sentenced to twelve months' detention, and on his third to seven years, it would be impossible that he could acquire the skill necessary for the higher branches of the art.

But, instead of reasoning on probabilities, let us look to facts. The system has been tried throughout England on a class. In 1856, it became the practice to commit all juvenile offenders on their second conviction to reformatories, and therefore to long terms of detention, almost irrespective of the magnitude of the special offence. This became, therefore, a fixed and cumulative system well understood by the juvenile offenders, instead of an attempt at an exact retribution. What was the consequence? Juvenile crime had been steadily rising, and had reached the number of 13,981 convictions in 1856. But, in 1860, it had sank to 8029, and the worst class of boy thieves had entirely disappeared. The Judicial Statistics show that in each large town the decrease exactly followed the adoption of the fixed and cumulative system of sentences, in place of the uncertainty which had till then prevailed among boys, and still prevails among adults.

Foremost, perhaps, among remarkable instances of this, is the case of Cheltenham. For many years juvenile crime had been on the increase, and, in 1856, 53 boys were committed to prison. The magistrates then adopted the plan of sending every boy on his second conviction to a reformatory. The next year the number sank to 14; the next there were 25, then 14, and in 1860 only 13. In 1861, the magistrates reverted to their former system, and passed sentences which they believed to be proportioned to the offence. The certainty of the sentence ceased, and that year 24 were convicted, and in 1862 there were 49. In 1863, they returned to the fixed sentences for second convictions, and the number fell to 24, and in 1864 to 13. Can it be held that this was an accidental rise and fall? or are all these instances the effect of mere chance? Surely not. Let us then attempt to diminish adult, as we have already diminished juvenile crime. God forbid that we should consider the sin and suffering caused by habitual crime (putting out of sight for the moment the loss inflicted on the honest man, who is first robbed and then heavily taxed to punish the thief) as objects unworthy of our care?

## THE OFFICE OF CORONER.

OF the many institutions which may be termed the inheritance of an Englishman, there are few which, for antiquity or usefulness, can be compared to the office of coroner.

Elected, for the most part, by the people, he becomes the guardian of the poor, the unprotected, and the friendless, and is free from that influence which is inseparable from a Court nominee. And yet, strange as it may seem, the real value and importance of the office of coroner is not sufficiently estimated by the public, for want of measuring its advantages not only by what it does, but what it *prevents*.

Until the twenty-fifth year of King George II., the coroner did not receive any remuneration beyond a sum of 13s. 4d., taken, upon view of the body slain, of the goods and chattels of him that was the slayer or murderer (if he had any); but by statute passed in that year, cap. 29, a fee of 20s. was the remuneration fixed for each inquest, in addition to 9d. a mile for his travelling expenses. Looking at the difference of the value of money at that time to what it is at the present, the remuneration to the coroner was much greater than it is now. It was by this same statute that the duty was imposed on coroners of holding an inquest in every case of a death happening in a prison, in order that the public may, through the investigation, be satisfied that the death has not been in any way accelerated by the treatment the prisoner has undergone whilst in prison. That such a provision was necessary, any one who is at all acquainted with the sickening details which fired the heroism of a Howard, and led him to a life of self-sacrifice, in order to expose the cruelty and tyranny which never met the light of day, will readily acknowledge; and to read the accounts of the considerate care and attention now paid "to the prisoner and the captive," and contrast them with the past, makes the past appear a fable or the illusory dream of an overheated imagination. But is it really so? Is it not rather that the self-denial of a Howard has borne its fruit, and the coroner is now called upon to be the watchful guardian of the public—to *prevent* a relapse into the oppression of the past? We have said that the benefits of the office of coroner are to be measured not only by what it does, but by what it prevents. We take the case of the destitute and friendless prisoner. At the first sight it would seem an almost unnecessary duty that a coroner and jury should be empannelled to make an inquiry where no inquiry is sought or desired; but



in order to show its value let the converse be assumed—that there were no inquiry—would the care, the vigilance, and the attention which is now paid to the prisoner be the result? Would not the natural effect be produced of indifference and unconcern on the part of the governor, and relentless cruelty be exercised by the unscrupulous and irresponsible warder? But the very fact that there will be an inquest, conducted not by the nominee of the Government, or the magistrates who have the control of the gaols, but by an independent officer and by a jury uninfluenced by any consideration but that of arriving at the truth, imparts a value to the inquiry in its *preventive* character which keeps every officer, from the governor, the medical officer, and the meanest official, to the faithful discharge of his allotted duty.

It may not be unimportant to inquire how far a similar inquiry would be beneficial in every case of death happening in religious houses. Rightly or wrongly, there are not wanting many who think that undue restraint is imposed on females who in early life have pledged themselves to perpetual vows from which they would be gladly released. If undue restraint is not imposed, then there is no reason why the greatest candour should not be displayed, and every opportunity afforded to convince the public of the groundlessness of the suggestion; but, on the other hand, if it does exist, the public, through their officer, should require the fullest inquiry into all the circumstances of their treatment whilst an inmate of such an establishment.

But not only to the prisoner and the captive does the office of coroner act as a preventive, but the poor and the outcast—the Lazarus, who is laid at the gate of some hard-hearted relieving officer, whose eyes are closed to pity and whose ears are shut against the tale of sorrow; this man is *compelled* to observe and to listen to the tale of woe, lest, should death terminate his sorrows and sufferings, a day of exposure should be at hand to unveil, through the medium of the coroner's court, the obduracy and cruelty which familiarity with such scenes is apt to generate. And if, again, an irresponsible body of guardians should, through a too niggard parsimony, withhold from the poor the requirements of sickness, the coroner's office is ready to expose the meanness which misapplies the public trust, and thus, by the public odium which it produces, *prevents* the recurrence of a similar fatality.

Instances might be multiplied without end in which the coroner has stood as the guardian of the poor and the friendless, and, by timely exposure, *prevented* many a death. Who shall say how many a life has been spared which would otherwise have been a victim to the torture of the lash by the army flogging,

against which the late Mr. Wakley battled so courageously, the whole influence of the Horse Guards? And how frequently does the exposure arising from the coroner's inquiry bring to light cases where the overtaxed milliner's apprentice, and other similar sufferers, have sunk from exhaustion into the grave, and where the inquiry of the coroner has brought into the light of day, many a case which, but for that inquiry, would have been unnoticed and disregarded, but which, being exposed, has proved a beacon to warn the public of the ruin which awaits the sons and daughters of toil, and thus *prevented* others from falling a prey to a similar fatality.

Another feature of the coroner's court which in recent times has been of most manifest utility to the public, is inquiry into the cause of death in cases of preventible disease. The inquiries before Mr. Humphreys, into the state of some of the dwelling-houses in Bethnal-green, have led to important improvements in that district; whilst generally, in cases where preventible diseases, as typhus and cholera, prevail, the coroner has the right of holding an inquiry, and directing public attention to means for removing the causes of such diseases.

If then, the office of coroner is capable of and does in reality effect such beneficial results to the public, it follows that the public have a duty towards it: namely, of maintaining its independence and usefulness. But we reserve this subject for a future number.

S. F. L.

## REVIEWS.

## MERCY ON THE BATTLE-FIELD.\*

WHILST those great armies of America were in the field, covering the earth with blood, and spreading consternation wherever their terrible earnestness was known, there was another army present, of whose valour and courage no note was taken. This was an army of mercy, whose agents were loving men, and still more loving women, whose whole aim was to mitigate the terrors of war, and to heal the fresh wounds of the conflict. However little modern warfare may differ from what war has been in all times, it is a merit that the nineteenth century may claim that it has done all that it could to alleviate the anguish and sorrow of the battle-field. To Great Britain, and above all to that true-hearted Englishwoman, Florence Nightingale, is due the credit of having first attempted to help the soldier in his hour of dire necessity, and to bring that help on to the battle-field that had heretofore been thought only possible in the need of private and civil life. What Florence Nightingale and her band of noble followers did for our soldiers in the Crimea, the United States Sanitary Commission did for the contending armies of America, on the most magnificent scale. For let it never be forgotten, to the honour of the North Americans, that they organised this noble commission, and that its aid was as freely bestowed on the sufferings of the Southern as of the Northern soldier.

This little book gives the account of the rise and progress of the Commission in America. As the men mustered for the battle-field, so the women mustered in churches, school-houses, and drawing-rooms. At the meeting of fifty or sixty women in New York, on the 25th of April, 1861, the foundations of a great organisation were laid, which afterwards, under the name of the United States Sanitary Commission, sent an army of nurses, surgeons, and aids of every kind, on to every battle-field, and were the means of saving thousands, and tens of thousands of lives, and of mitigating, to an untold extent, the sufferings of those who were wounded in battle, or suffered in the campaigns. How this association grew, how it laid hold of the affections, how it maintained a fixed relation to the Government without interfering with military law; how it purchased waggons, chartered ships; how its agency was found on every battle-field; what it did—what it supplied to suffering soldiers, is all told in the pages of this volume. The following extract will give an idea of what the Commission claims to have done in the execution of its wonderful mission :

“ On the arrival of the army in Turkey (April 1854), to the embarkation for the Crimea (September 1854), the annual death-rate was 129 per 1000 men. In July, August, and September, it was increased to 293 per 1000 men; for the next three months to 511 per 1000 men; and it culminated in January,

\* The United States Sanitary Commission. A Sketch of its Purposes and Work. Boston: Little, Brown, and Co.



1855, when it reached the fearful amount of 1174 per 1000 men.\* In other words, at this rate it would be necessary, in order to supply the loss occasioned by death alone, to replace the dead army by a new army of equal strength in about ten (10½) months. *Then it was* that the British Government established sanitary operations, and so soon as their influence began to be felt (in April, May, and June, 1855), the rate of mortality fell to 250 per 1000 men; and from that time gradually and rapidly diminished, until the annual death-rate for January, 1856 (one year from its culmination), was 25 per 1000 men.

"The mortality of the United States forces during the present war (exclusive of three-months men) is being tabulated by the Sanitary Commission from the records in the Adjutant-General's office. These tables show that from the commencement of the war to the latest time when they could be made, the annual death-rate of our forces has been 65 per 1000 men. From June 1st, 1861, to March, 1862, a period when our army lay comparatively inactive, we find the annual death-rate was 44½ per 1000 men. During the campaign on the Peninsula, when the effects of climate were to the full as deadly, if not more so, than those of the Crimea, when every breath drew in swamp poison, and our men advanced by forced marches through Virginia mire, and camped along the banks of malarious watercourses, the annual death-rate was 165 per 1000 men. To what was this owing? Not to the fact that our troops bring a greater amount of health into the service than those of other armies, for their mortality during the period of inaction was much greater than that of the British army during a like period.† It was owing in part, undoubtedly, to lessons learnt from the Russian war, and to the American spirit of improvement, which has made our armies, let who will say to the contrary, a splendid spectacle of progress in many points, of efficiency. But was it not in a chief degree owing to the Sanitary Commission? Has not the Sanitary Commission a right to point to that result, and say, '*It is mine?*'"

Some idea of the nature of the work performed by the Commission may be gained by the following list of the issues of supplies from September 1st, 1861, to September 1st, 1863 :

Packages.....	62,445	Condensed Milk.....	46,807 lbs.
Blankets.....	10,911	Crackers.....	100,320 "
Comfortables.....	38,957	Dried Beef.....	13,423 "
Bed-ticks.....	24,898	Tea.....	5,779 "
Pillow-ticks.....	10,421	Sugar.....	21,580 "
Pillows.....	18,841	Dried Fruit.....	466,347 "
Pillow-cases.....	153,017	Light Groceries.....	47,657 "
Sheets.....	87,082	Codfish.....	50,862 "
Shirts.....	192,712	Cheese.....	11,981 "
Drawers.....	107,465	Butter.....	40,170 "
Dressing-gowns.....	11,483	Eggs.....	38,633 doz.
Coats and Vests.....	8,999	Wine and Spirits.....	29,378 bottles.
Towels and Handkerchiefs....	270,276	Apple-Butter.....	2,160 galls.
Socks.....	84,485	Pickles.....	27,471 "
Slippers.....	15,207	Sauer Kraut.....	3,780 "
Mittens.....	9,180	Potatoes.....	50,281 bush.
Nightcaps.....	4,464	Ale and Cider.....	11,584 galls.
Bandages and Rags.....	205,632 lbs.	Chickens.....	4,114
Sponges and Pads.....	51,024 "	Crutches.....	3,309 prs.
Pin-cushions.....	27,182	Miscellaneous articles..	} not stated.
Fruit-cans.....	97,642	Hospital Furniture.....	
Concentrated Beef.....	30,116 lbs.		

\* Of which 97 per cent. was from disease.

† This is owing largely to the careless inspection of recruits, a subject to which the Sanitary Commission has never ceased to call the attention of the Government.

It should be remembered that this represents the activity of the Western Branches of the Commission alone, including Chicago, Cincinnati, Cleveland, Louisville, Pittsburg, Buffalo, and New Albany.

Some of the letters, written from the great battle-fields as familiar in name in Europe as any of our own great battle-fields, are full of pathetic incidents, and by their exhibition of instances of true human tenderness, throwing a halo of glory around the deepest horrors of the war. We make one extract from a letter from Gettysburg:

"Late one afternoon, too late for the cars, a train of ambulances arrived at our Lodge with over one hundred wounded rebels, to be cared for through the night. Only one among them seemed too weak and faint to take anything. He was badly hurt and failing. I went to him after his wound was dressed, and found him lying on his blanket stretched over the straw,—a fair-haired, blue-eyed young lieutenant, with a face innocent enough for one of our own New England boys. I could not think of him as a rebel; he was too near heaven for that. He wanted nothing,—had not been willing to eat for days, his comrades said; but I coaxed him to try a little milk gruel, made nicely with lemon and brandy; and one of the satisfactions of our three weeks is the remembrance of the empty cup I took away afterward, and his perfect enjoyment of that supper. 'It was *so* good, the best thing he had had since he was wounded,'—and he thanked me so much, and talked about his 'good supper' for hours. Poor fellow, he had had no care, and it was a surprise and pleasure to find himself thought of; so, in a pleased, childlike way, he talked about it till midnight, the attendant told me, as long as he spoke of anything; for at midnight the change came, and from that time he only thought of the old days before he was a soldier, when he sang hymns in his father's church. He sang them now again, in a clear, sweet voice. 'Lord, have mercy upon me'; and then songs without words—a sort of low intoning. His father was a Lutheran clergyman in South Carolina, one of the rebels told us in the morning, when we went into the tent, to find him sliding out of our care. All day long we watched him,—sometimes fighting his battles over, often singing his Lutheran chants, till, in at the tent-door, close to which he lay, looked a rebel soldier, just arrived with other prisoners. He started when he saw the lieutenant, and quickly kneeling down by him, called 'Henry! Henry!' But Henry was looking at some one a great way off, and could not hear him. 'Do you know this soldier?' we said. 'Oh, yes, ma'am; and his brother is wounded and a prisoner, too, in the cars now.' Two or three men started after him, found him, and half carried him from the cars to our tent. 'Henry' did not know him, though; and he threw himself down by his side on the straw, and for the rest of the day lay in a sort of apathy, without speaking, except to assure himself that he could stay with his brother, without the risk of being separated from his fellow-prisoners. And there the brothers lay, and there we strangers sat watching and listening to the strong, clear voice, singing, 'Lord, have mercy upon me.' The Lord *had* mercy; and at sunset I put my hand on the lieutenant's heart, to find it still. All night the brother lay close against the coffin, and in the morning went away with his comrades, leaving us to bury Henry, having 'confidence'; but first thanking us for what we had done, and giving us all that he had to show his gratitude—the palmetto ornament from his brother's cap and a button from his coat. Dr. W. read the burial service that morning at the grave, and — wrote his name on the little head-board: 'Lieut. Rauch, 14th Regt. S. Carolina Vol.'

"In the field where we buried him, a number of coloured freedmen, working for Government on the railroad, had their camp, and every night they took their recreation, after the heavy work of the day was over, in prayer-meetings.

Such an 'inferior race,' you know. We went over one night and listened for an hour, while they sang, collected under the fly of a tent, a table in the middle where the leader sat, and benches all round the sides for the congregation—men only—all very black and very earnest. They prayed with all their souls, as only black men and slaves can; for themselves and for the dear, white people who had come over to the meeting; and for 'Massa Lincoln,' for whom they seemed to have a reverential affection—some of them a sort of worship, which confused Father Abraham and Massa Abraham in one general cry for blessings. Whatever else they asked for, they must have strength and comfort and blessing for 'Massa Lincoln.' Very little care was taken of these poor men. Those who were ill during our stay were looked after by one of the officers of the Commission. They were grateful for every little thing. Mrs. — went into the town and hunted up several dozen bright handkerchiefs, hemmed them, and sent them to be distributed the next night after meeting. They were put on the table in the tent, and, one by one, the men came up to get them. Purple and blue and yellow the handkerchiefs were, and the desire of every man's heart fastened itself on a yellow one; they politely made way for each other, though—one man standing back to let another pass up first, although he ran the risk of seeing the particular pumpkin-colour that riveted his eyes taken from before them. When the distribution was over, each man tied his head up in his handkerchief, and they sang one more hymn, keeping time all round, with blue and purple and yellow nods, and thanking and blessing the white people in 'their basket and in their store,' as much as if the cotton handkerchiefs had all been gold leaf. One man came over to our tent next day, to say, 'Missus, was it you who sent me that present? I never had anything so beautiful in all my life before;' and he had only a blue one, too."

But we must close our notice of this volume. We trust that if we are to have war, which God forbid! that the example of the United States Sanitary Commission will be followed. We know of nothing more touchingly beautiful in the history of the world than this magnificent contribution of love and mercy towards the alleviation of the direst sorrow to which, in the mysterious dispensations of Providence, man is unavoidably driven.

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## BRIEF NOTICES OF BOOKS AND PAPERS.

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*On the Nature and Treatment of the Cattle Plague.* By R. H. ALLNATT, M.D., F.R.C.V.S. London: Churchill.

*The Right Use of Iron in the Cattle Plague.* By R. DRUITT, M.D. London: Rusten.

Quite independent of the important question of the spread of the cattle plague by contagion is that other equally important question, what ought to be done when the disease has broken out? Now there are two answers given to this question, one is, destroy the animal directly, and thus "stamp out" the disease; the other is, treat your diseased cattle as you would human beings, and try your best to cure the disease. The first answer is given not so much from any supposed incurability of the disease as from the supposed necessity of destroying at once the animal, every hour of whose life results in the production of innumerable germs of the disease, which may be carried about by every dead and living thing that comes near to its body. No one for a moment thinks of treating human beings in this way, but animal life having only a money value may undoubtedly be treated in this manner. The advocates of saving the animals maintain that so large a number may be cured as to make this, after all, the most economical plan of action. But then comes the method of cure. The very fact that our daily newspapers teem with remedies and proofs of their beneficent action



prove most clearly that no remedy has yet been found which can be relied on at all. The fallacy which underlies all these cures is the old medical mistake of confounding coincidence with cause and effect. The Royal Cattle Plague Commission might do some good in collecting carefully the facts with regard to treated and untreated cattle, and thus eliminate some constant relation between treatment and curative results, but nothing of this sort can be got at by the wild waste of words with which our newspaper press just now teems. Each veterinarian has his theory, one considers the plague an acute inflammation and bleeds and cures, another has confidence in infinitesimal doses of arsenicum (whatever that may be), another recommends stimulants, and another sedatives, and so on through the whole pharmacopeia. Amidst this anxious crying it is refreshing to find some members of the medical profession recommending treatment upon scientific principles, and in both the pamphlets we have named we recognise good sense and sound science. Dr. Allnatt, regarding the cattle disease as analogous to those forms of fever in the human being, which are most successfully treated with saline medicines, recommends a trial of these, and quotes Dr. Letheby as affording an instance in which two-thirds of a number of cattle were cured by this system of treatment. Dr. Druitt is equally impressed with the fact that the disease ought to be treated in a similar manner to human beings afflicted with similar if not identical diseases. He mentions a variety of plans of treatment, which he thinks might be tried, but recommends most decidedly the use of the tincture of the sesquichloride of iron. If the stamping-out policy is not to be pursued, we think the perusal of both these pamphlets is worth the time of those who are interested in the treatment of the cattle plague.

*Overcrowding and Typhus.* BY CONWAY EVANS, M.D., Lond. London: Bradbury and Evans.

This pamphlet is a reprint of articles from the *Standard* newspaper, caused by the publication in the *Times* of Dr. Jeaffreson's letter on fever nests. Dr. Evans shows that typhus is evidently and necessarily connected with overcrowding, and draws attention to the fact that our law at the present moment is inadequate to deal with this subject as a cause of disease. He suggests the following measures, which can only be carried out by Act of Parliament:—I. It should be rendered compulsory that every house, the rooms of which are let out as separate tenancies, should be duly registered by the local authority of the district in which it is situate; and a register should be kept in the office of the local authority for public inspection, within reasonable hours, specifying the number of persons permitted to occupy each room of such house, this number being based upon actual examination by, and certificate of the proper officer to the local authority. II. Whenever fever, or other infectious disease, exists in a house occupied by more than one family, and there are good reasons for believing that other inmates of the house or room will take the disease, the justices should be empowered, upon the certificate of the officer of health, to order the removal of such sick person (provided there be no medical objection to such removal) to a public hospital or other institution for the treatment of the sick, or, failing this, to the infirmary of the workhouse appertaining to the district; and the local authority shall be authorised forthwith to cause the premises from which the person afflicted with infectious disease has been so removed to be cleansed, limewashed and purified (in the manner directed in the Nuisances Removal Act), and also to effect the removal therefrom of the other inmates of the room (except in so far as these, or any of them, may be necessary for the care of the sick), and, if need be, temporarily to provide them with a suitable lodging at the public expense. III. The local authority should be empowered, by the proper officer, to have free entry into every house in the occupation of more than a single family, for the purpose of giving effect to the provisions of the several Acts already in operation in connexion with this subject. IV. Legal provision should be made, under proper checks and limitations, for the due removal of the dead from the habitations of the living within a reasonable time of the decease; particularly in crowded dwellings, and especially when death has resulted from fever or other infectious disease.

*The Wear and Tear of Steam Boilers.* BY FREDERIC ARTHUR PAGET, Esq., C.E. London: Trousce

This paper was read before the Society of Arts, and deals with a most important

subject. A large amount of life and property is every year destroyed in this country by the bursting of steam-boilers. This arises from various causes, which are well discussed by Mr. Paget. He advocates, as the best means of preventing these accidents, the application of the hydraulic test, by which the weak points in boilers may be discovered before using them; and, considering how easily this test may be applied, it is wonderful that it is not universally adopted. The objection that it strains the boilers is futile against the well-known fact that where the hydraulic test is applied the accidents from bursting are much fewer.

*The Advantages to be Derived from the Adoption of the Local Government Act, as exemplified in Croydon.* By EDWARD WESTALL, M.D. London: Ridgway.

We recommend the perusal of this pamphlet to the inhabitants of all towns who are hesitating about introducing the Local Government Act. The selfish objection to the adoption of health measures in all parts of the country, is the expense. Yet it can be shown, that however high the rates go up by the adoption of these measures, that the town is a gainer. The fact is, disease and death are always fatal to the prosperity of a district, and, though some individuals, as doctors and undertakers, may prosper by them, all persons engaged in the sale or production of articles consumed by living and healthy people suffer. It is, we believe, of little use talking to ignorant people of the sacredness of human life, and of the duty of doing all we can to save the lives of our fellow men; the only way in which they can be moved is to show them that it is a question of pounds, shillings, and pence—and when once our parochial and municipal authorities understand that defective sanitary arrangements mean poverty for themselves and their neighbours, they will begin to act as men of business, as they ought long since to have done as professing Christians. Dr. Westall's is an admirable account of the advantages derived by a town that had the courage to tax itself for the benefit of its health.

*Herbert Fry's Shilling Guide to the London Charities, for 1865-6.* London: Hardwicke.

This book is a capital idea admirably carried out. Every charity in London has here a place; and any one interested in any particular kind of charity has only to refer to its pages to find out when it was founded, where its offices are situate, who are its officers, what are its objects, what is its income, and what number of persons are annually benefited. Amidst all the fault one has to find with "Man's inhumanity to man," he must have a hard heart who does not feel a thrill of pleasure and pride in his humanity when he sees this long, long list of institutions whose aim is the reduction of the misery and the increase of the happiness of his fellow-man. We hope shortly to devote an article to a systematic examination of this useful and interesting guide.

*On Epidemic Cholera and Diarrhœa.* By JOHN GROVE, M.D. London: Hardwicke.

We do not intend, as a rule, to criticise medical books; but the subject of cholera has an intense interest just now, and we feel bound to listen to any suggestion for its prevention, when coming from experienced practitioners. Dr. Grove believes cholera to be contagious, and gives, we think, abundant proof for his belief. He believes it to originate afresh in this and other countries of the world, but his evidence is less satisfactory on this point. He believes that sulphur will destroy the contagion, or its power over the body, and here his evidence is most unsatisfactory. Lastly, he thinks sulphur will cure the cholera, and here, we think, he entirely fails of proof. We are not convinced of either the prophylactic or curative virtues of sulphur.

*Journal of a Third Visit to the Convict Gaols, Refuges, and Reformatories of Dublin, by the Recorder of Birmingham and his Daughter.* London: Longmans.

All those interested in convict discipline, whether they agree with the Recorder of Birmingham in his views or not, will read this pamphlet with interest. In our own mind, there is no question but that the Irish system of discipline has acted admirably, and that it is worthy of imitation wherever there is a desire to make the criminal an honest man, or to inflict punishment with a view both to the good of the criminal and the safety of the community.

*Carbolic Acid as a Disinfectant.* By HENRY J. CHURCH. London: Hardwicke.

The disinfecting qualities of carbolic acid are not so generally appreciated as they ought to be. The author of this pamphlet seeks to draw the attention of the public to this fact. In a coarse form, it enters into the composition of McDougall's disinfecting powder; but it has been prepared by Dr. Calvert, of Manchester, in such a form that it may be employed as an internal medicine, and externally as a disinfectant, in instances where contagious diseases have broken out.

*The Fortnightly Review.* Chapman and Hall.

In this well-conducted journal papers are admitted on subjects interesting to the social philosopher. We now call attention to the papers of Mr. Leeholme, on "The Black Death, and its place in English History." A more terrible picture of disease and death has seldom been recorded in literature. It has its lessons even for us at the present day; and those who treat epidemic diseases lightly, will see in this essay how they may affect the entire destinies of nations. Other papers, interesting to the student of social science, will be found in the pages of the *Fortnightly*. We especially recommend the paper of Mr. Amos, on "Civilisation and Crime," in one of the September numbers, and a paper by Mr. Trollope on the civil service, and another on the political economy of copyright, by Mr. W. B. Adams.

*Popular Science Review.* Hardwicke.

In the October number is a good sketch of epidemics, past and present; and those who wish to know the principal features of the diseases which are at present epidemic on the face of the earth, will find a good account of them here.

*Social Science Review.*

An excellent article appears in the October number of our contemporary, on "Sanitary Fallacies." The admirable manner in which the whole subject of sanitary statistics is elaborated, and their deficiencies stated, clearly points the authorship to one of our most distinguished writers on state medicine, and, as he modestly withdraws his name from the papers, we refrain from saying more than that anything from his pen must command the attention of the statesman and the sanitary reformer.

*Principia Prima Legum.* By GEORGE HARRIS, ESQ., F.S.A., &c., Author of "The True Theory of Representation," "Civilisation considered as a Science," &c. Part I. Stevens and Son, Bell-yard.

The great object in this book is to trace each principle of law to its root, and to exhibit the origin of every rule adopted in the science of jurisprudence. These principles are illustrated by quotations from the judgments of distinguished jurists. The study of the law, deemed unattractive by the generality of mankind, if viewed as it is in this work, will afford deep interest and much valuable information to every individual of cultivated intellect.

*Annals of British Legislation.* Edited by LEONI LEVI, F.S.A., F.S.S., Professor of Principles and Practice of Commerce, at King's College, London. Part VI. November, 1865.

We find in this periodical the best possible digest of all parliamentary Blue Books. In the present number, amongst other reports and papers, are excellent analyses of the following: Emigration and Civil Service Commissioners, the Registrar of Births, Deaths, and Marriages in Scotland, Poor Law Report for England and Wales, Convict Prisons, the Commission on the Employment of Children, &c. The work would be greatly enriched, if within its scope and objects, some brief editorial comments were included.

*On the Advantages derived to the Medical Profession and the Public from the Establishment of Village Hospitals, with General Instructions concerning Cost, Plans, Rules, &c., and an appropriate Dietary.* By ALBERT NAPPER, M.R.C.S., Founder of the System at Crawley, Surrey. H. K. Lewis, Gower-street. 1865.

The information in this pamphlet has been for a long time wanted. There is reason to believe that in rural and mining districts a very inefficient accommodation exists



for urgent cases of accident; that a local surgeon often finds his skill and attention greatly thwarted, and that the sufferings of the poor are materially aggravated by the want of such institutions as that founded at Crawley. The fatigues of a long journey, or the prejudice of being removed to a fever hospital, are obstacles that induce the poor in many instances to remain at home, where they are surrounded by adverse conditions for successful treatment. One bed for every 1000 of population is sufficient, therefore an hospital of five or six beds would meet the wants of a considerable area of country. Mr. Napper deserves great thanks for the success he has achieved, and for the full details he has given of all that relates to these useful institutions.

*Contributions to the Medical Statistics of Life Assurance, with Hints on the Selection of Lives.* By JOHN MANN, M.R.C.S., &c., Examining Surgeon to the British Empire Life Assurance Society. Masters, Aldersgate-street. 1865.

Every one should see this work who wishes to study the data upon which a complete investigation into the quality and value of a proposal for life assurance depends. It has an interest beyond that which makes it a good guide for the selection or refusal of lives for assurance. A review of the different sources of mortality, their relative value and importance are ably discussed. The author does not forget to recognise the labours of Drs. Christison, Begbie, Farr, Nieson, and others, in the domain of medical statistics in relation to life assurance.

*Statistical, Sanitary, and Medical Reports of the Army Medical Department for 1863.*

This volume, recently issued, informs us that the average strength of non-commissioned officers and men serving in the United Kingdom in 1863 was 75,945, amongst which were 8.86 deaths per 1,000, and 49.14 per 1,000 constantly sick. From diseases of unchastity alone we find 20.28 per 1,000 constantly on the sick list, whilst 306.8 per 1,000 were admitted into hospitals, the average duration of whose illness was 24.10 days, showing, as a result of this, an inefficiency equal to a loss of the services of every man in the force for a period of 7.4 days per annum from this disease.

*Statistical Reports of the Navy Medical Service.*

A recent report of the Royal Navy serving on all stations, shows that in 1862 the total force in the service was 58,870, the total number of diseases and injuries being 88,661, showing 3 to every 2 of the force. The total number invalided was 1,944, the death rate was 15.3 per 1,000, and the invaliding 33 per 1,000. The mean ratio of sick is 57 per 1,000, or 2 less than the previous year.

The large amount of venereal disease prevailing in various stations, especially the home station, is a subject for grave consideration by the Government. This disease has not materially diminished since the attention of the naval authorities was specially drawn to it. In the home station 2,255 cases were treated, while upwards of 212 men are constantly ineffective from this cause alone. Here are some examples: The Royal Adelaide, 249 out of 670 men; the Victory, 263 out of 930 men; the Cumberland, 248 out of a complement of 1,220 men. The total loss of days' services from illness of all kinds is something enormous, as shown in the following vessels:

Asia . . . . .	10,285 days.
Revenge . . . . .	13,223 „
Royal Adelaide . . . . .	5,975 „
Victory . . . . .	6,506 „
Cumberland . . . . .	11,316 „
Total . . . . .	47,305

“It is painful to reflect,” says one of the reporters, “that on the very threshold of his entry into the service in a seaport town of his own country, the seaman should be exposed to such a mass of festering disease as to render these localities more destructive to health than the most pestilential rivers in Africa. It is thought that partial measures have at length been devised to mitigate these evils, but it is very doubtful; and it is to be hoped that the time is not far distant when effectual steps shall be taken to remedy to the utmost this foul scandal on the nation.”

## MONTHLY CHRONICLE.

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**Teetotalism at the Mansion House.**—On Friday, the 3rd of November, the Lord Mayor invited a number of gentlemen to tea and coffee, to meet a deputation of the National Temperance League. The object of the meeting was to hear statements from the friends of the league, and to elicit a frank interchange of opinion as to the means that may be most efficiently employed for the removal of our national intemperance. The large number of distinguished men who assembled together on the occasion, testifies to the interest taken by intelligent men in this great question. Those present, however, must have been disappointed when they heard from the speakers that they had no other plan to propose for the suppression of drunkenness than that of total abstinence. No one can doubt that this is a remedy; but the principle is one that, if applied to other evils, at once annihilates human action, and proclaims that death is the only remedy for the evils of life. Every one must, however, feel that the teetotallers have demonstrated that existence may be carried on, and life successfully preserved in these climates, without recourse to alcohol as an article of diet. No one could look upon the strong and burly frame of Mr. Samuel Morley, and the healthful appearance of such men as Mr. Samuel Gurney, the Rev. S. Eardley, the Chamberlain for the City, and the vigorous person of Mr. George Cruikshank at the age of seventy-three, without feeling that total abstinence is consistent with the highest health and the most vigorous exercise of the powers of both mind and body. But this is really not the question at issue; it is not whether some men can live without alcohol, but whether it is either desirable or possible to cure drunkenness by urging the utter abolition of alcohol from the diet of mankind. On this point there is a difference of opinion; and, whilst leaving the teetotallers to pursue their view of the question, we would urge upon those who cannot join them, as a consequence of such refusal, the duty of seeking other means of putting a stop to the excessive drinking of alcohol. We do not think teetotallers exaggerate the evil, it is enormous, gigantic, and appalling; and we should be glad to see the National Temperance League widening its platform in accordance with its name, and seeking not only by abstinence, but by all other means, the improving of the habits of our countrymen with regard to this most cruel of all the evils that beset society.

**Opening of a Gymnasium at Liverpool.**—Through the exertions of Mr. Melly, a public gymnasium has been erected at Liverpool. The object of this institution is to afford suitable arrangements for the practice of gymnastics to the numerous class of persons who are engaged in sedentary or confined occupations. A sum of 10,000*l.* has been collected for the purpose, and a handsome building has been erected, which was formally opened on Monday, the 6th of November, by an address from Lord Stanley. The total sum spent on the build-

ing and fitting up is 14,000*l*. The expenses of working the institution are calculated at 1000*l*. per annum; and as 700*l*. have been received during the six months that the building has been partially opened, there can be little doubt of its permanent success. There can be no doubt that this is a most judicious experiment, and calculated to confer a great benefit on the young men of Liverpool. In this busy age, even amongst the class above the labouring population, men are too apt to pursue their callings without any regard to the conditions of a healthy existence. Not only are young men kept in badly ventilated shops and counting-houses, eight, ten, or even twelve and more hours a day, but the little leisure that is left them is often spent in pursuits and occupations which, instead of affording any relief to the system, increase the mischief done by the day's work. The great want of this class of persons is an ample supply of oxygen to the tissues of the body. The best way of procuring this is exercise—muscular exercise. By the action of the muscles the heart's action is increased, deeper inspirations follow, and larger quantities of oxygen are taken into the blood, which, being carried to the tissues, those changes take place which are essential to healthy life. Cricket, rowing, drilling, all secure these objects, but cannot be had recourse to in our large towns, especially in the winter season; hence the importance of gymnasia to which the young citizen may have recourse for the purpose of exercise. Care, however, should be taken to avoid all exercises which tax the powers too much, and exercises involving comparative trials of strength should be avoided. In all competitive contests, skill alone should be encouraged. Amongst the ancient Greeks, the feats of their athletes degenerated into mere exhibitions of physical force, against the evils of which Galen directed his strongest censures. In our own country, rowing and swimming matches have been conducted in such a way as to task the strength of individuals to such an extent as to produce disease and premature death. Against this evil it must be the effort of those who conduct a gymnasium to strive. The eyes of many will be turned towards Liverpool; and it depends on the manner in which the new institution is managed, as to whether it will fail from the introduction of injudicious methods of conducting the exercises, or, by avoiding them, be imitated by every large town in the country.

**Lord Bury on the Cattle Plague.**—It is one of the characteristics of an incurable disease, that every remedy employed is alike a failure and a success. In all instances of outbreaks of contagious disease, those who are first attacked are the most susceptible, and die in greatest numbers; whilst those who are subsequently attacked resist the disease, and get well in greater numbers. It is at this period that those who believe in the possibility of cures effected by the agency of remedies, become the dupes of their erroneous theory. Whatever is given in those stages of the disease, a certain number of the cases get well, and the remedy is credited with the cure. It is the same with cattle plagues as human plagues. All sensible veterinarians know there is no remedy for the cattle plague, and do not attempt to cure. What they say of the disease is this, that one cow can give it to a hundred



cows, and as long as it lives it will spread the disease, but when it is dead it can no longer do so; it is therefore better to kill it, even though it should get well. This is the sensible practice pursued in all countries where the disease is known. It has been pursued in this country, after a great loss of time and an immensity of ignorant talk and writing on the subject. But of course the practice is questioned, as every other sensible course of action always is; and Lord Bury comes forth at the Norfolk Cattle Plague Insurance Association, to assure the farmers of Norfolk that the right plan of treatment is the Homœopathic; and he brings forth, as the proof of his statement, the success of this plan in Holland. The facts are these: that in the district of Mutterness, in Holland, the cows under allopathic treatment died at the rate of 70 per cent.; but they were afterwards treated by homœopathy, and the deaths were reduced, first to 45 per cent., and eventually to 10 per cent. Now, this is really the natural history of the disease; and the same amount would have died, and got well, had the words allopathy and homœopathy never been used, or any treatment, or no treatment been employed at all. We wonder that the very fact that homœopathic remedies, when given in infinitesimal doses, are said to cure diseases, does not open the eyes of people who can use their natural gift of reason, quite independent of education, to see that there can be no efficacy in remedies; and that "cures," as they are called, are the result of natural effects, and not of medicines at all. If people could but see that the homœopathic treatment is the negation of all treatment, an important lesson might be learned; but so long as noble and learned lords go lecturing about the country on the potency of infinitesimal doses of arsenicum, phosphorus, phosphoric acid, rhus-tox, and sulphur, and there are people found to believe the nonsense, so long shall we remain utterly unable to meet the difficulties of treating either human or cattle epidemics. When the cholera comes we shall have to contend with the same difficulty, and the same nonsense about allopathic and homœopathic treatment will be talked. At first all systems of treatment will fail; and in the end, homœopathy and every other absurdity will succeed.

**The Typhus Harvest in London.**—In the *Times* of September 7th, a letter appeared from Dr. Horace Jeaffreson, formerly Resident Medical Officer at the London Fever Hospital. In this letter he calls attention to the fact that the larger number of cases of typhus received into the hospital, did not come from the population generally, but from particular districts of certain parishes. This letter was of great ability, and excited special attention. Amongst other parts of London in which typhus constantly prevails, Dr. Jeaffreson mentioned Lambeth. The *Times*, commenting on this letter, fell into a curious mistake. It appears there is a Little Windmill-street near the New-cut, Lambeth, which was mentioned by Dr. Jeaffreson as one of the localities in which typhus prevails. The writer in the *Times* had apparently never heard of this street on the other side of the water; and evidently, without paying any attention to the letter, concluded that it must be Little Windmill-street, in the more aristocratic quarter of St. James's, West-

minster. He therefore wrote: "It is not so much that typhus prevails in St James's, Westminster, but that it is continually present in Little Windmill-street." The attention of Dr. Lankester, the Medical Officer of Health of St. James's, Westminster, was called, at a vestry meeting, to this paragraph in the *Times*; and at the following vestry he stated that not only had St. James's, Westminster, been freer from typhus than most other parishes in London, but that only one death had occurred in Little Windmill-street in three years. As the error in the *Times* was likely to damage the businesses and property in Little Windmill-street, Dr. Lankester was requested to write to the *Times*, and correct the error. At the next meeting of the vestry Dr. Lankester stated he had twice written to the *Times* on the subject of the mis-statement, but no notice had been taken of his communications.

**Crime in the City of London.**—A return has just been furnished to the Home Secretary, of crime in the city for the year ending on the 29th of September last. The return includes two principal heads—indictable offences, and those disposed of summarily. The total number of persons apprehended for indictable offences during the year was 747, of whom 620 were males and 127 females, or 30 more than in the preceding year. Of the 747 apprehended, 83 were known thieves, 30 were prostitutes, 2 vagrants, 53 were, in police language, "suspicious characters," 3 were habitual drunkards, 371 persons of previous good character, and 205 persons whose characters were unknown. But though the number of persons apprehended for indictable offences was 747, the actual number of crimes of that class committed within the year as known to the police was 931, as compared with 1238 in the year ending the 29th of September, 1864, showing a decrease of about 300 in the present year. The whole number of persons proceeded against summarily was 8574, of whom 7419 were males and 1155 females; the total number in the previous year being 8,924. Of the 8574 this year, 260 were known thieves, 115 prostitutes, 244 vagrants, tramps, and others without visible means of subsistence, 466 suspicious characters, 137 habitual drunkards, 5,045 of previous good character, and 2,307 whose characters were unknown. At present, as known to the police, there are at large in the city 25 known thieves and depredators, only one of whom is a woman, and six are under 16 years of age. There are also at large 7 receivers of stolen goods, 23 prostitutes, and 57 suspected persons. Of the whole number of persons at large of these various classes 9 are under 16 years of age, and 103 above that age—viz., 79 men and 24 women. There are in the city 7 houses of receivers of stolen goods, 35 houses the resorts of thieves and prostitutes, of which 30 are public-houses and 5 coffee shops. There are 8 houses of ill-fame and 6 lodging-houses for tramps—making in all 56 houses of bad character in the city. The population of the city at the last Census was 113,367. The police establishment numbers 649 men, including one commissioner, "who is not a constable," says the return; 2 superintendents, 14 inspectors, 66 sergeants, 514 constables, 40 additional constables, and 12 detective officers. The whole cost of the police for the year was 55,807*l.* odd,

of which 43,981*l.* was expended in salaries and pay, 4244*l.* in clothing and accoutrements, 79*l.* 10*s.* in contingent expenses, 1605*l.* in superannuation and gratuities, 4053*l.* in station-house charges, printing, and stationery, and 1838*l.* in other miscellaneous charges. Are there no good Samaritans in the city to look after these juvenile criminals who are still at large? Is there no law in the city by which acknowledged houses of ill-fame can be put down?

**Statistics of Religious Worship in the Metropolis.**—The *Nonconformist* of November 16, contains elaborate statistics relative to the religious condition of London at the present time, compiled from information furnished by the Bishops of London and Winchester, by officials connected with the various denominations, and by local agents in the thirty-six parishes which come under review. From these tables it appears that there are in London at the present time 1316 places of worship, containing accommodation for 917,895 people, an increase since 1851, when the last religious census was published, of 219,346 sittings. On Mr. Horace Mann's assumption that accommodation is required for 58 per cent. of the population, it is shown that as many as 831,387 of the inhabitants of the metropolis are, at the present moment, unprovided with the means of public worship—an increase of deficiency, as compared with 1851, to the extent of 161,873. This inability to overtake the spiritual wants of London is referred to as being due more to the rapid increase of the population than to the apathy of the various religious denominations. According to these tables, during the intervening fourteen years Nonconformists have made much more rapid progress than the Established Church. The non-established religious bodies now provide in their places of worship, 405,828 sittings; the Church of England, 512,067. It appears from this, that dissenters have increased since 1851 at the rate of 40.5 per cent., while the Episcopal Church has progressed only 24.9 per cent.

**The Cattle Plague and the Price of Meat.**—The following on the cattle plague and the price of meat, from the circular of Messrs. Travers, will be read with interest by all housekeepers: "The maintenance of the present extravagant prices of meat seems a curious anomaly in a population like that of London, where all classes have daily access to the various marts that should influence the state of the markets for the necessaries of life. Every family in the metropolis, and also in most of our principal towns, is now patiently submitting to an extra charge for all the animal food they consume, ranging at least from 1*d.* to 3*d.* per lb., and in many cases experiencing serious privations, on a pretext of scarcity, which can be shown by official statements not only not to exist, but to be the very reverse of the fact. It is now ascertained that the number of cattle that have perished from the disease, or been slaughtered as a precaution, from the date of the recognised commencement of the *rinderpest*, has been about 16,000, while on the other hand the excess of importations of living animals during the first nine months of the present year, compared with the same period of last year, has been as follows:



Oxen, bulls, and cows, 46,576; calves, 4666; sheep and lambs, 184,891; and swine and hogs, 32,662. Thus of cattle alone, there has been an extra supply of exactly three times the amount that have been sacrificed through the plague. And even this circumstance indicates only in a slight degree the preposterous nature of the exactions now prevalent in the trade, since there can be little doubt that the decrease in consumption which has been consequent on the existing prices, has actually lessened the demand by far more than the whole number of animals thus lost. It is also to be noticed that large as has been the number of animals imported this year, as compared with the last, the excess has been very much greater as compared with 1863. Under these circumstances, it is evident that the public will only have themselves to blame if they permit the current charges any longer to be imposed upon them. If the graziers and butchers could have carried their point by stimulating the first alarm to the desired height, so as to induce the Government to enter upon the folly of ordering not only an indiscriminate slaughter of all animals attacked, but of totally prohibiting the introduction of any further foreign supply, they would doubtless have had the advantage of a period, during which the population must have been compelled to take their choice of starving, or of paying any prices exacted; but we are, happily, not in this position, and the exercise of a little firmness and intelligence is all that is required to place the matter forthwith on a proper footing."

**Cattle Plague.**—The Commission has issued its report. It has come to the conclusion that the disease is contagious, and that it has been imported from abroad. On these conclusions, certain recommendations are made. Seven of the commissioners recommend a suspension of all cattle traffic. Four commissioners object to this recommendation. Two of these four recommend that cattle be allowed to be removed from the place of the seller to that of the buyer, provided they have a certificate from a justice of the peace that they are free from disease. The further recommendations are, that foreign cattle should be slaughtered at the ports of landing. That the power given to inspectors to seize and slaughter be withdrawn, that no cattle be allowed to be turned on common or unenclosed land, and that periodical returns be obtained by the Government of the sanitary condition of sheep and horned cattle throughout the kingdom. Mr. J. R. M'Clellan objects to the report of his brother commissioners, and gives a report of his own, in which he says, that the "nature and extent of the present disorder in cattle, does not, in his opinion, justify any further restriction in the movement or trade of cattle, and that the powers now vested in her Majesty's Privy Council are sufficient to prevent the spreading of the said disorder, and to avert any future outbreak of it." The report concludes with a supplement, containing sanitary recommendations. The commissioners say: "On the subject of preventive and medical treatment the commissioners have received, both from this country and from abroad, discouraging but decided evidence that all methods hitherto adopted have been found unsuccessful. Nevertheless, being of opinion that medical science may still be able to discover agents capable of mitigating the

virulence of the malady, the commissioners have drawn up a scheme of investigation into the nature of the disease, and have intrusted different inquiries to scientific men of great skill and ability, who will make reports on the subjects intrusted to them at the earliest possible moment. In the mean time a few sanitary suggestions may be offered, which are calculated to be useful to farmers and dealers in cattle. These may be divided into the following heads: 1. The general precautions which should be taken by cattle-owners to prevent the spread of the disorder. 2. The special precautions required when the plague is in the neighbourhood. 3. The measures, preventive and remedial, which should be taken when the plague breaks out in a locality. 4. Measures for disinfecting sheds and cattle which have been infected." The recommendations are very judicious, and will amply repay study by those who are interested in staying the cattle plague. At the same time it should be recollected that the most speedy method of arresting the disease, and, in the long run, by far the least expensive method, is that of destroying at once affected cattle. However little good the commission may have done, there is one very cheering statement in its report, which is that not more than 16,000 cattle have died of the plague. This is a number sufficient to affect considerably, and even ruin, individuals, but not calculated to create any deficiency in the supply of meat and milk to our markets.

**Children's Employment Commission.**—With a view to bring before Parliament and the country practical information on pending legislation as to the employment of children, it has been proposed by the proprietors of the *Independent* newspaper, Sheffield, to open prizes for the best essays on the following subjects:—1. The trades of the district that are injurious to the health of adults or children; what causes of injury are inherent, and how their effects may be mitigated; what causes of injury are preventible, and how they may be removed. 2. The habits of the artisans and their families, as formed by their employments—the difference between the orderly and the disorderly, the intelligent and the ignorant. 3. The educational and industrial training of working children—those employed in factories, and those employed by out workers. What is now done for them? Can legislation improve their condition in mind and body? 4. The progress of our artisans in comfort, property, intellect, and morals since the adoption of free trade, and the means within their own power to make still greater progress. The persons eligible to contribute will be artisans of Sheffield, Rotherham, Chesterfield, Barnsley, or the neighbourhood, either actually working at their respective trades, or who, having been brought up to some of these trades and worked for wages for five years, are still resident in the district. The reason of this is, that many of the most intelligent men in our trades become masters, managers, or shop-keepers, and it is desirable to have the benefit of their knowledge, though they may have ceased to work as artisans. For the best essay upon each of the four, the prize will be 5*l.*, and for the second best 1*l.*, making in the whole 24*l.* The length of the essay not to exceed three columns of the *Independent*, or thereabout.

## PROCEEDINGS OF SOCIETIES.

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NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE,  
1, Adam-street, Adelphi, W.C.

THE Standing Committee of the Health Department, on whom devolved the duty of carrying out the resolutions passed at the Conference on the threatened epidemic of cholera, held on the 17th August, the Lord Bishop of London in the chair, were of opinion that the best way of giving effect to the intentions of the resolutions would be to form a Special Committee consisting of their own body, with the addition of delegates from other public bodies. They felt that the known existence of a committee of practical and experienced men, would tend to allay that undue alarm so likely to be excited by the disconnected and unexplained statements which often find currency in times of danger; and that, by collecting facts from all available sources, a mass of evidence might be procured, which would be of the greatest value as a guide in suggesting the adoption of precautionary and preventive measures, should the cholera appear among us.

The committee thus appointed, have prepared the following resolutions. These suggest in the first place the inquiries, and the mode of making them, which, in the judgment of the committee ought to be instituted, and they are also suggestive of such practical measures as may be carried out by voluntary exertion, to avert or mitigate the visitation of any epidemic disease.

And the committee would beg most respectfully to state that their propositions are intended to be voluntary, and supplementary only to the efforts of the Medical Department of the Privy Council and the functions (so far as they can be well carried out) of the Medical Officers of Health, and that the co-operation of the Medical Officers of Health of the metropolis be again invited, and that they may be assured that the committee highly appreciate the importance of the practical suggestions they have made for the amendment of the Law for Improvement of the Sanitary Condition of the Population,\* and will give them their cordial support.

I.—That the number of deaths by miasmatic disease† of which a large proportion is preventible, amounted in 1863, according to the Report of the Registrar-general, to 114,538 for all England; and that such amount of disease, especially under a threatened invasion of cholera, and apart from it, demands the most serious public attention.

II.—That it is of great importance for the economical and efficient direction of public effort, to ascertain and make known as early and as

\* "Seventh Report of Medical Officers of the Privy Council," pp. 528-532.

† The class of diseases coming under the term "miasmatic" consists of cholera, diarrhoea, dysentery, small-pox, measles, scarlatina, diphtheria, quinsy, croup, whooping cough, typhus, erysipelas, metria, carbuncle, influenza, ague, remittent fever, rheumatism, &c.



clearly as practicable, among what classes, under what conditions, and from what causes—whether of overcrowding, of defective water supply, want of proper ventilation, or otherwise—these diseases are developed and perpetuated.

III.—That with this end in view, statistics should be obtained as to the death-rates, and the proportions of deaths, from diseases of the miasmatic class, in improved model or other dwellings, in improved common lodging-houses, and in well-managed public institutions—such as district institutions on the half-time system, schools for the reception of destitute children, and well-managed prisons; distinguishing the diseases arising therein from those introduced.

IV.—That the chief seats of miasmatic disease should be early ascertained and designated in lists, and marked on maps for the direction of inquirers.

V.—That as the worst places are known to the Union Medical Officers, and the Union Relieving Officers, it is to the Boards of Guardians of the Poor Law Unions, and their officials that the public must look for the earliest information to other bodies charged with the care of the public health, as to the first cases of the diseases referred to.

NOTE.—Whereas the authority of municipal corporations is often limited to portions of towns, all civil and rural populations are under the jurisdiction of Boards of Guardians, who, being themselves responsible to the Central Board and to Parliament, are charged with the relief of destitution occasioned by sickness and premature mortality, and with the supervision of the Union Infirmaries and of the Medical and Relieving Officers.

VI.—That the attention of the President of the Poor Law Board be called to Resolution I.; and that he be requested early to direct the attention of Boards of Guardians to the rates of mortality in excess of known standards afforded in the same counties, as shown by the Supplement to the 25th Annual Report of the Registrar-General. That he be also requested to direct the guardians particularly to inquire into and ascertain by their officers the seats of the most rife miasmatic diseases, and to publish them without delay for the information of the ratepayers and others, and that the local authorities should be especially reminded of this fact—that local registrars have in their books records of the places and houses actually visited by cholera, typhus, &c., in previous epidemics.

VII.—That it be submitted to the President of the Poor Law Board, that inasmuch as the proposed course of action, by averting or lessening the mortality from miasmatic diseases, will prevent claims for relief on account of widowhood, orphanage, and premature disability, the necessary incidental expenses may be fairly charged on the poor's rates throughout the country.

The following are recommended to Poor Law Guardians and other authorities, as the best means of carrying out the foregoing resolutions:

(a).—Poor Law Inspectors should induce the medical and relieving officers to mark on maps of their districts the places they have had occasion to visit for diseases of the miasmatic class.

(b).—Union clerks, as superintendent registrars, or other officers acting as such, should mark on the same maps the places from whence deaths from diseases of the miasmatic class have been registered.

(c).—The seats of diseases of the miasmatic class should be marked in red ink; and of deaths, with crosses in black ink; and the places where cases of cholera have occurred, should be marked with blue ink.

(d).—The medical and relieving officers should be requested to make notes and observations on the conditions of the places affected by miasmatic diseases, and the classes of persons who suffer most from them.

(e).—The courts, alleys, and other places which are undrained, or badly drained, and which have no proper water-closets or self-cleansing house drains or sewers, and no proper pavement, should be marked on the proposed district map.

(f).—The police have constantly to traverse all districts, and being well acquainted with those which are physically in the worst conditions, the heads of police should be requested to aid the local inquiries, by directing each policeman to make out descriptive lists of the places characterised by foul smells, by common nuisances, and by overcrowded and badly constructed tenements; and that weekly tenements, and the like places, where overcrowding exists in connexion with disease, should be distinctly marked on the district maps.

(g).—The marks on district maps should be transferred to general maps.

(h).—In the metropolis, and other towns where ordnance surveys have been made, copies of the ordnance maps on the largest scale be used; and, in other cases, tracings of town surveys.

(i).—In aid of such maps, the chief seats of the miasmatic diseases should be accompanied by lists, with observations by the registrars or other union officers, and a statement of the density of the population.

(k).—That maps and lists, constructed and marked in the manner recommended, should be published without delay for the use of all concerned in sanitary inspection.

VIII.—That it is desirable that local associations should be formed to visit the places pointed out in the maps and lists, and to organise a system of voluntary house to house visitation, to ascertain the conditions which require removal or mitigation.

NOTE.—The following are among the effects which may be reasonably expected from the proposed local associations and examinations, viz., more accurate information as to the extent and nature of defects of the sources of water-supply of many districts, of such injurious defects as sewer-tainted wells, water kept in uncovered butts and tanks over privies or dung-heaps, and defects in the ordinary qualities, quantities, and methods of the distribution of the water supplied—as means of house and street cleansing, as well as for personal cleansing, for clothes washing—especially for the poorer classes—as also defects of sinks, drains, and means for removing foul or waste matter, the extent of existing defects of house and street drainage, the extent of cesspools and of house drains, and of sewers of decomposing deposit, which are only extended cesspools.

IX.—That special local inquiries be directed to the state of the existing provision for receiving and treating cholera cases in union houses, hospitals, houses of refuge, &c., and as to the means provided for the immediate removal, not only of the dead, but of the sick, from rooms which are at once the living and sleeping rooms of the poorest classes, to places specially provided for the purpose.

X.—That a special fund be raised to defray the expenses of a committee in printing, correspondence, obtaining and distributing returns, and otherwise, and that a subscription be invited for this purpose.

*October 24th, 1865.*

THE THREATENED EPIDEMIC OF CHOLERA.—A deputation from the Health Committee of the Social Science Association, consisting of Mr. G. W. Hastings (General Secretary), Dr. Hardwicke, Mr. George Godwin, F.R.S., Dr. Aldis, and Mr. Rendle, waited, by appointment, upon the Right Hon. C. P. Villiers, M.P., President of the Poor-law Board, to urge upon the Board the necessity of obtaining and making known the facts and localities of epidemic diseases, such as cholera, fever, and the like, and especially now in the anticipation of a probable inroad of cholera and the actual presence of fever. It was urged that such cases chiefly and at first began among the poor, who are under the notice of the Poor-law authorities. It was also urged that the information always in the possession of the Guardians of the Poor and their officers should systematically, regularly, and very promptly be supplied to the local bodies having the care of the public health and the prevention of epidemic diseases in their respective localities. The matter was urged in various ways by each member of the deputation. The President and gentlemen of the Poor-law Board paid much attention to the statements, and promised that they should receive their favourable attention—possibly a complete local investigation in one or two of the worst localities, in order to see what might be done.

#### EPIDEMIOLOGICAL SOCIETY.

The following memorials relating to cholera have been presented to the Foreign Office and Privy Council :

*Memorial to the Foreign Office.*—The Epidemiological Society, which was founded at the beginning of 1850 for the study of epidemic diseases, not only at home but also in foreign countries, has had its attention directed in a special degree to the investigation of malignant cholera. No pestilence in ancient or modern times has had a wider or a more destructive range over the face of the globe, since its first great migratory movement which commenced now nearly fifty years ago. After ravaging India, it spread in all directions, so that scarcely a country in Asia during the next few years escaped, from China to the Ural Mountains, and from the Indian Ocean to Siberia. After occasional lulls and intermissions in its progress, it at length reached the confines of Europe in 1830-31, and then steadily advanced in its westerly course, chiefly through the central part of the continent, until it appeared on our shores in the autumn of the latter year. In 1832-33 America was attacked; and



during the next three or four years the southern countries of Europe, bordering on the Mediterranean, seem, as far as our imperfect information enables us to determine, to have been the principal seat of its ravages.

After 1837 Europe was, it is believed, free from the pestilence for the next nine or ten years, when a second great epidemic wave or current, so to speak, again set in from the remote East, and passed over Europe and onward to America in 1848-49. This visitation was both wider spread and more disastrously fatal, alike in Europe and in the New World, than the former epidemic.

The interval between the cessation of this epidemic and the following one was much shorter than on the previous occasion; it did not exceed three or four years at most, and, indeed, it is doubtful whether the germs of the disease had ever become thoroughly extinct or annihilated in Europe and America.

The epidemic at present existing along the shores of the Mediterranean is generally supposed to have commenced in or near to Alexandria during last June; but no reliable data have been obtained respecting the circumstances or conditions under which it manifested itself in Egypt, and whether it had been previously prevailing—and if so, for how long—in Mecca or other parts of the Arabian peninsula. Most imperfect, too, is the intelligence as to the earliest occurrence of the disease in many places which have been already attacked, more especially in Syria, the islands of the Archipelago, and the Adriatic coast of Italy, &c.

Hitherto the information before the profession respecting the exact course of the development of cholera in the several epidemics which have traversed Europe, has been far from being either so correct or so complete as the interests of science demand. A much more full and accurate knowledge of the geographical history of the disease—as it appears in different lands, and under the varying conditions of climate, country, the habits and diet of peoples, &c.—is greatly to be desired. Epidemiological inquiries have to be conducted in much the same way as meteorological inquiries; to be fruitful of good, both must equally rest on accurate data collected in a wide area of observation, and over periods of time more or less extended. What the Board of Trade now does to advance the progress of meteorological science, may be done by other departments of the Government to advance the interests of epidemiology.

On no point is authentic information more needed than as to the exact dates when the pestilence first appears in the different localities attacked over the face of the continent. Great Britain possesses greater facilities for obtaining such information, from her wide spread relations and intercourse, than most other countries. It is respectfully submitted that the object in view might be efficiently attained, through the co-operation of H.M. Consuls, if the Secretary of State for Foreign Affairs would be pleased to give instructions to those gentlemen to record and communicate the most reliable information within their reach, in respect of their consulates and the surrounding districts, and if all such information were made available for the benefit of medical

science. To the following points the council of the society would particularly invite attention :

1. The exact dates of the earliest recognised or ascertained cases of the disease, whether the cases proved fatal or not.
2. Did these cases occur among strangers or persons recently arrived in the place ? or among residents who had not been recently away from it ?
3. Had there been any unusual amount of bowel disorders, or other form of sickness, prevalent among the inhabitants prior to the occurrence of these cases ?
4. In what part of the town or village did the first cases occur ? and what part or district suffered most during the visitation ?
5. What is the nearest place where the disease was known to exist at the time of the occurrence of the first cases, or to have existed shortly before such occurrence ?
6. What precautionary measures have been taken by the authorities to avert, or to meet, the visitation ?

*Memorial to the Privy Council*,—The Epidemiological Society, ever since its foundation immediately upon the cessation of the epidemic of cholera in 1849, has had its attention in a special degree directed to the investigation of the disease as it has appeared both in this country and abroad. Many of the original members had been engaged in carrying out the inquiries instituted by the General Board of Health during that visitation, and were again employed on the like duties in the epidemic of 1853-54. Other members have had extensive experience of the pestilence in the East Indies and other tropical countries ; and, in almost every session, communications illustrative of its characters have been read and discussed at the meetings of the society.

From the earliest intelligence of the present epidemic, when it appeared last June in Egypt, its history has been sedulously watched by a committee, for the purpose of comparing its course with that of the former European epidemics which, after ravaging various countries on the Continent, at length reached our own shores ; and with the view of forming such practical conclusions as might guide the mind of the profession, and of the public generally, in regard of the precautionary measures best calculated to protect the country against an invasion, and —if that should fail—to mitigate to the utmost its destructive effects among the people.

With respect to any endeavour to exclude epidemic cholera by the system of quarantine, such as was formerly practised in this country, and as it is still adopted and being carried out at the present time in all the Mediterranean seaports, the experience of the visitations in 1832, 1848, and 1853 appears to show conclusively that no reliance whatever can safely be placed upon it to keep off or avert the pestilence. Moreover, while the adoption of quarantine serves to give delusive hopes to the public mind, it generally leads to the unwise postponement of those internal measures of local improvement which afford the surest defence

against the dangers of the assault. Sanitary precautions *within* a place are far more important than sanitary cordons *without*.

While discountenancing the practice of an enforced detention and segregation, for a specified number of days, of all arrivals from an infected country—irrespective of the condition of the vessels themselves and of the persons on board, whether the former be thoroughly clean and airy, or foul, close, and crowded, and whether the passengers and crew be sick or quite healthy—the council of the Epidemiological Society are, at the same time, strongly of opinion that the interests of the public health require that an efficient sanitary supervision should be exercised in all our chief sea- and river-port towns, and that the most beneficial results, not only to these places themselves, but to the country generally, may be expected, on the threatened advent of an epidemic, from the timely adoption of such a precaution.

It is to be observed that, in the successive visitations of the cholera in this country, the disease always manifested itself first on or near the sea-coast, and in some large busy port.

In 1831, the earliest cases occurred in Sunderland during September, and Newcastle was attacked about three weeks later.

In 1848, the disease seems to have appeared about the end of September in several places on the east coast—viz. : Hull, Sunderland, Edinburgh, and the metropolis—at nearly the same time.

The visitation of 1853 may be said to have commenced with the outbreak at Newcastle in the month of September, which proved so destructive to life, and so hurtful to the commercial interests of the town.

Besides the marked tendency in epidemic cholera to appear first on, or near to, the coast, it is also to be observed that many of our seaport towns have suffered with unusual severity in more than one of the visitations—witness, Newcastle, Sunderland, and Hull—Glasgow, Liverpool, and Bristol—Plymouth, Portsmouth, and Southampton—Sheerness and London. The damp low sites of the worst parts of these towns, always in the vicinity of their harbours and docks (which are in themselves often prolific of malarious effluvia), together with the filthy and crowded dwellings to which seamen generally resort, and their reckless intemperate habits, cannot fail to aggravate other sanitary evils, and greatly to increase the predisposition of a maritime population to epidemic influences. The unfavourable state of the health, too, among the crews of many merchant ships upon their arrival, in consequence of the neglect of hygienic precautions during the voyage, renders them peculiarly susceptible of a poisonous atmosphere in the port; and there is good reason to believe that on several occasions where the earliest cases of an epidemic disease have occurred among persons recently arrived, this has been due rather to the cause just mentioned than to those persons having imported the disease from abroad. In the case of river-ports becoming infected, the disease, from its tendency to follow the line of water communication, has often been observed to make its way thence upward into the interior of a country.



In view of these considerations, the council of the society beg respectfully to state that, in their opinion, it is highly desirable, for the welfare of the kingdom generally, that a sanitary inspection be made of the principal seaport towns to ascertain their actual condition, more especially of their harbours, docks, shipping, dwellings for seamen, &c., and with the view of discovering what provisions or arrangements exist for the reception and treatment of cases of sickness in ships upon their arrival from abroad, in the event of the cholera making its appearance in the port.

With regard to the health-condition of the general population, the council take leave, with great respect, to express their entire concurrence in the fitness of the timely precautionary instructions which have been already promulgated by the Privy Council;—and, while they are well aware of the insufficiency in many respects of the existing laws for the prompt and effectual correction of numerous sanitary evils which seriously endanger the health of the humbler classes at all times, and especially in an epidemic season, they leave with confidence to the wisdom of the Government to determine the time when it may be necessary, by the issuing of a special order, to confer upon local authorities larger and more summary powers for the prevention of disease, and the protection of the public health.

GAVIN MILROY, M.D., F.R.C.P., *President.*

J. N. RADCLIFFE, *Secretary.*

September, 1865.

This Society held its first meeting this session, at its Rooms in Charles-street, Soho, on Monday, November 4th. The President, Dr. Gavin Milroy, opened the proceedings by a paper giving an account of the progress of cholera during this year, his address was illustrated by a map of its course from India to this country. A paper was read by the Secretary from Dr. Brown, of Rochester, on the prevalence during the past summer, of what he considered to be an epidemic of cerebro-spinal meningitis. Dr. Burdon Sanderson, Dr. Campbell, Dr. Camps, and others, were not inclined to support the opinions of the author of the paper. The epidemic was supposed to be of a malarious origin, and had, probably, some relation to fever of a typhoid kind, with a preponderance of head symptoms.

#### METROPOLITAN ASSOCIATION OF MEDICAL OFFICERS OF HEALTH.

On Saturday, November 18, the first meeting of this Society for the season, was held at the Scottish Corporation Hall, Crane-court, Fleet-street. The President, Dr. Druiitt, opened the proceedings in a very eloquent but brief address on some of the sanitary wants of the day. He said it was most desirable that every district medical officer of health should make known all those evils which the existing laws would reach, and inform Boards of Guardians where the laws are defective. Parish authorities pretend to rely upon the Officers of Health for information, yet they object to any of their suggestions that cost money. The time will come when most assuredly they will not

hesitate to cast the blame upon their officers for not doing what now is continuously objected to be done. Let us, as a body, tell them what we know; what streets and places are unhealthy, what sort of persons live there, and the evils they suffer therefrom, what ought to be done, what kind of staff and persons must be employed to do it. We must show what the situation really is, and "make a clean breast of it." Dr. Bachoffner, Mr. Liddell, and others spoke in support of the same views; the former, as chairman of a large vestry, thought that a manifesto issuing from such a body as this would have great force, and the sooner it was done the better. Professor E. Divers, of Queen's College, Birmingham, then read a paper on the Practical Results of Water Analysis, after which Dr. Bachoffner, Mr. Holland, and Mr. Liddell took part in a very interesting discussion.

#### SOCIETY OF ARTS.

At the first ordinary meeting for this year, the chairman of the council, William Hawes, Esq., delivered an address. After referring to the deaths of the Earl of Carlisle, Mr. Gregson, M.P., Mr. David Roberts, R.A., Mr. J. Fowler, Mr. Neilson, Mr. Chance, Mr. Appold, Mr. Cassell, Mr. Thomas Winkworth, and Dr. Lindley, he proceeded to give an account of the business done by the various committees of the society during the year. The committee appointed to ascertain if anything could be done by legislation or otherwise, to mitigate the evils arising from the want of proper dwellings for the labouring classes, have recommended the council to publish a Handbook of Sanitary Law, to be prepared by Mr. Ware. The Cantor Lectures are this year to be given by Mr. G. W. Hastings, by Mr. Fleming Jenkin, and by Mr. Crace Calvert. The chairman passed under review the papers read last session, and drew attention to a very interesting paper read before the society in 1771, by Mr. Dossen, on the Cattle Plague in 1769-70. From this paper, it appears that the disease in this country was perfectly well understood, as well as its contagious nature and origin, in the latter part of the last century. In this part of his address, he alluded to the importance of extending the breeding of cattle amongst our agriculturists, showing most convincingly that whilst we must always have a limited supply of cattle from abroad, we could, at any time, obtain wheat and the other cereals where they can be produced cheaper than in Great Britain. He also advocated the necessity of annual returns of the statistics of agriculture as the only means by which the necessities of the country, with regard to food from foreign countries, could be appreciated. He then referred to the various metropolitan improvements now going on, and especially to the proposed Central Hall of Arts and Sciences, which will be erected at South Kensington, on the north side of the Horticultural Gardens.

Vice-Chancellor Sir W. Page Wood proposed a vote of thanks to the chairman for his address.

#### THE WORKHOUSE VISITING SOCIETY.

In their last Report the Committee submit to the members the fol-



lowing points as deserving earnest consideration :—That workhouses are now, in a far greater degree than formerly, institutions for the reception of the *sick* poor, hospital accommodation not having increased in proportion to the needs of the population. They, therefore, beg to suggest the following inquiry, viz., if workhouses, as at present constituted, are fit places for the treatment of the sick, by reason of the following facts :—1. The appointment of one medical man, who is expected to find medicines for his patients out of his salary. 2. The custom of employing pauper nurses, with (in many cases) not even one paid or responsible superintendent for the sick. 3. The general construction of workhouse wards, want of ventilation, suitable furniture, and comforts, such as are supplied in hospitals; extras *not being permitted to be given by friends*, by order of the Poor Law Board. We beg, therefore, to remind members that at the committee of inquiry the following suggestions for improving the condition of the sick were made, and we earnestly desire now to see them carried out :—1. The appointment of additional medical officers, either as inspectors (as in the case of the lunacy commissioners in workhouses), or as constant attendants, with pupils (as in hospitals). 2. The employment of trained and competent nurses. 3. The admission of voluntary benevolence to the sick wards, so that the rates should not entirely bear the cost of these improvements. Should the evidence already given not be considered sufficient for the establishment of the above facts, we beg to suggest that a few members of the medical profession in London (whose knowledge of hospitals and the treatment of the poor in them would qualify them to give a competent opinion) should be appointed to visit and inspect the present condition of workhouse infirmaries, and report upon them. The projected removal of some workhouses from London seems to offer an opportunity for making improvements, and suggests the question, whether it would not be desirable to separate the sick and incurable from the *workhouse*, in order that they might be arranged on different principles, without encouragement to pauperism.

#### THE EARLY CLOSING ASSOCIATION.

This Society was established in 1842, and gives very satisfactory accounts in its report of the progress of the movement, not only in the metropolis, but in the provinces. The objects of the Association are to secure by the voluntary efforts of employers and employed an abridgment of the hours of labour in all departments of industrial life, wherever they are unduly prolonged; the adoption of a Saturday half-holiday, where practicable; the early payment of wages; the rescue of shopkeepers and their assistants from the drudgery of Sunday trading. The report gives a list of establishments where these principles have been adopted, and a considerable increase in their numbers is found during the last year. Special suggestions are made for the comfort and relief of individual classes, such as milliners and dressmakers, journeymen bakers, tailors, &c. Public meetings have been held throughout the country, and satisfactory results have undoubtedly followed many of them.



## THE LADIES' SANITARY ASSOCIATION.

In their Annual Report the Committee regret a falling off in their funds, whilst the demand for such assistance as they can give greatly increases. We were surprised not to find this valuable branch of the Social Science movement represented at Sheffield in the Health Department, even by the presence of their report or some of the excellent tracts issued by the society. It is quite possible that had there been any attempt made to set forth what had been already done by the agency of this association, other and new subscribers might have been secured. The objects of the society are to write and distribute simple, interesting tracts on sanitary and domestic subjects (of which 760,000 have been already published), to arrange for the delivery of popular free lectures in working men's clubs, &c. (83 lectures have been given during the past year), to establish loan libraries, to form branch associations (10 branches have already been formed), to hold meetings for various purposes (from those on over-work the London dressmaking establishment has arisen), to form gymnastic classes, and to send out park parties twice in each week during the summer months, giving bread to hungry children (29,000 children from the ragged schools were sent out last summer). The committee wish not only to continue this work, but to increase it, by offering prizes for clean and tidy rooms—by encouraging flower shows—establishing nurseries for motherless babes, and by employing sanitary missionaries. The offices of the society are 14A, Princess-street, Cavendish-square.

## THE NEEDLEWOMAN'S PROVIDENT BENEFIT SOCIETY.

This institution has been founded for the purpose of ameliorating the condition of one of the most numerous and the worst paid of our industrial classes. The indigence, so little short of absolute destitution, in which the poor needlewoman is sunk, is a consequence not so much of the overstocking of the labour-market as of the peculiar position in which she stands with reference to her real employers. Her work, as a rule, is done at home, and security is therefore naturally required for the safe return of the materials entrusted to her. This security her impoverished condition renders it, in the great majority of cases, impossible for her to furnish; and hence the origin of what are called "middlemen," who contract with the employer for the work he requires, and give this work out to the needlewomen at a price enormously reduced, on the pretext of covering the risk which their guarantee of its faithful execution involves. It is this reduction which brings the earnings of the poor needlewoman down to that miserable pittance which renders her existence little more than a dreary and often hopeless struggle with starvation; and it is obvious that any arrangement which should do away with the "middleman" and his exorbitant per-centage for risk, would at once, by leaving her the whole of her earnings, materially ameliorate her condition. Now, this is precisely the arrangement which the present institution has for its main object to bring about. Acting as the medium of communication between the employer and employed, it will guarantee to the former excellence of work and safety of materials, while to the latter it will secure, as

nearly as possible, the full recompense for her labour. In order to diminish its own risk, the institution will provide work-rooms, in which the work will be done under supervision, and which, being well warmed and ventilated, will also exercise a most beneficial influence upon the health of their inmates. In connexion with these work-rooms, dining-rooms will be opened, in which wholesome food will be supplied at the lowest possible price. A day nursery for the infants, and schoolrooms for the elder children of the workwomen, a provident fund, a benevolent fund, and a registry, free to members, will also form features of the institution; and homes, on the same principle as the multiplying and excellent "servants' homes," will, in the course of years, be attached to it.

THE ASSOCIATION FOR THE SALE OF WORK BY LADIES OF LIMITED MEANS, 66, Berners-street, Oxford-street.

The annual report speaks of increased sales and increased support, and gives numerous instances of the assistance the depot and agency for the sale of work has been to many who could not otherwise have realised any benefit from their labour.

THE METROPOLITAN DRINKING FOUNTAINS ASSOCIATION.

Since the inauguration of the society, eighty-nine drinking fountains, five cattle troughs, and a number of dog troughs have been opened by the society, and the public attention has been so fully directed to the importance of the scheme, that, in addition to this number, between thirty and forty have been erected in London by private benevolence, and one or more in many of the provincial towns. It is estimated that in London alone more than 300,000 people drink daily at the fountains during the hot summer months, and when we remember that every man, woman, and child thus drinking is only satisfying a craving of nature which, unrelieved, entails the most acute suffering which it is possible for a human being to endure, we may fairly conclude that, but for the fountains, a large proportion of this vast multitude would have been daily left, either to experience all the miseries of thirst, or would have been driven to seek relief at the public-house or gin palace, which, before the establishment of the Drinking Fountains' Association, possessed an almost undisputed monopoly, and were the only available resources for the thirsty man in the streets of London. Hitherto the great obstacle to the erection of cattle troughs has been the heavy annual payment which has been required by most of the water companies for so large a consumption of water. Small drinking troughs for dogs have from the first been placed at the bottom of many of the fountains, and supplied by the waste water; but the general position of fountains, and the extreme value of space in London, precludes the possibility of thus utilising the waste water in the supply of troughs sufficiently large for cattle. The committee have, however, succeeded in doing this at the West Hill, Highgate, and Roehampton; and there are probably several more of the fountains which have been already erected where this plan can be successfully adopted.



## CORRESPONDENCE.

## MORTUARY CHAPEL.

[We take the two following letters from the *Liverpool Mercury*. We trust the example of Liverpool will be followed in many of the London parishes.—ED.]

TO ROBERT HUTCHISON, ESQ.

Public Offices, 2, Cornwallis-street,

Medical Officer of Health's Department, Liverpool, Nov. 6, 1865.

MY DEAR SIR,—I am anxious to interest you in an attempt, by the erection of mortuary chapels, to mitigate one melancholy feature in the home condition of the poor—especially of the Irish Roman Catholic poor—which not only leads to misery and crime, but is a direct cause of sickness and of the spread of contagious diseases among the people. You are aware that in the overcrowded districts of the town, the dead are retained for days and nights in the apartments of the living—too frequently in the single room occupied by the whole family. The usual period selected for the burial of their dead is on the Sunday after decease; but, if this occurred late in the week, then the interment is sometimes postponed till the subsequent Sunday. Under all circumstances, unexceptionally, this is a great sanitary evil; but its injurious effects are most apparent among the Irish population. With them it does not signify of what disease the person may have died, nor to what state of decay the corpse may be hastening; for feeling and the sentiment of false pride prompt them to show respect to the remains of their relative by keeping the body for many days, laid out upon the only bed perhaps of the family, while their humble means are taxed to cover the corpse with pall or canopy, and to keep candles burning until the *coronach* has been performed. During the continuance of the wake the room is open to all comers, as long as there is anything to drink or smoke. As this occurs always in a small room, badly ventilated, and heated by fire and lights, the noxious vapours evolved in the process of decomposition are presented to the persons exposed to them in a highly concentrated form. And when it is remembered that these persons sleep huddled together on the floor, and have all their meals in the room, and are, by the depressing influences of grief, fatigue, wretchedness, and intoxication, peculiarly predisposed to suffer from disease, it is easy to understand the rapid and fatal spread of fever and other contagious maladies so frequently observed by physicians among such families and in such neighbourhoods. This spread of contagion will be most certainly seen in the epidemic of scarlatina, which is now threatening the community.

I need not dwell on the moral aspect of this state of things—on the total absence of decency—on the hard-hearted indifference to human life produced by all this eating, drinking, smoking, playing, and quarrelling in the presence of death—or on the crimes which follow in the train of the orgies of the wake. These are better known to you as a magistrate than to myself. Now, it appears very useless that the moralist and the physician should merely condemn such practices, while the home condition of the unfortunate family necessitates the retaining of the corpse among the living, as it does with the residents in a single sub-let room. I have heard it said that such persons should bury their dead at once; but how few of us—the educated—have the strength of Christian faith to part with our beloved ones at the instant of their death, and consign them for all earthly time to the cold forgetfulness of the grave? Let us reprobate in the strongest terms the heathenish rites of an Irish wake, but at the same time remember that many of its errors spring from kindly impulses, and that there is little chance of even the best disposed escaping from the effects of these errors while their dead are kept in the house. Custom, and the traditions of generations, have established among them the unfortunate idea that the wild hospitality of the wake is an honour to the dead. It is a folly very similar to that which, among educated English, leads to funeral pomp and expense, impoverishing for years the widow and orphans. We may blame or grieve over, as suits our humour, such results of custom; but how few of us dare to combat the prejudices and fashions of the society in which we move?

The only remedy against wakes, and against the sanitary evil of retaining the dead among the living, appears to me to be *providing mortuary chapels*, wherein the corpse can be at once received with decent, respectful solemnity—wherein, at certain and frequent times during the short interval between death and burial, the sorrowing mourners can be allowed to see the body of their friend or relative—wherein the thoughts and feelings of natural grief may be taught to harmonise with the awful



sanctity of death. I confidently hope that a time will yet come when (as at Frankfurt, and other places in Germany, and as, many years since, advocated by Edwin Chadwick, one of our greatest authorities in social science) the law will prevent the keeping of the dead among the living for even the shortest period. At present, however, in the absence of law, we must use the means in our power, and be content to build the *mortuary chapel*, and ask for the co-operation and working influence of the clergy.

I propose, therefore, to you and others, the task of erecting a mortuary chapel in the north district of the borough, where are located the greatest number of the Irish population. As all such establishments must, from their nature, be, to a certain extent, denominational, I further propose that the clergy of the Church of Rome shall be requested to accept the responsibility of inaugurating the experiment, because the people of their creed are most in want of such aid.

In a very confident anticipation that my appeal to you and other friends will be successful, I obtained, through the kindness of Mr. Councillor Whitty, an introduction to Canon Walsley, who assured me that the bishop and clergy of the Roman Catholic Church in Liverpool would accept the responsibility.

I estimate the probable cost of the building, independently of the ground, at about £1,000. Should the experiment of one mortuary chapel succeed in relieving the misery and in lessening the spread of contagious diseases among the poor, I shall be emboldened, at some future period, to make an appeal to the public at large.

I remain, my dear Sir, yours very faithfully,

W. TRENCH.

TO DR. TRENCH, MEDICAL OFFICER OF HEALTH.

Liverpool, 7th November, 1865.

MY DEAR SIR,—I have read with painful interest your letter of yesterday.

Amongst that class of the population to which you allude, the disposal of the dead from the moment of dissolution until the time of interment, has long appeared to me to be one of those difficult social problems to which I could discover no satisfactory or practical solution. The vivid and graphic description you give of the condition and habits of a large portion of our labouring population is not in the least overdrawn. I have myself frequently, both by day and night, been eye witness of such scenes, and the sickening sight has always left the most melancholy impressions upon my mind.

Apart from the inevitable consequences of such a state of things being most prejudicial to health, the practice of retaining the corpse within the chambers of the living, amidst filth, squalor, and wretchedness, begets a feeling of irreverence and indifference, and the abandonment of those religious feelings which ought to be associated with the obsequies of the dead. Nay, more—it has a positive demoralising and brutalising effect upon the minds of the people, and any scheme which has a tendency to lessen the evil is worth the experiment, even if it should prove abortive. I am fully alive to the difficulty and delicacy which surround the question. The poor feel as acutely as the rich the loss of their friends, and we must not hastily and perforce do violence to their natural feelings even in our attempt to serve them. Hitherto no plan has appeared to myself as feasible; but the scheme you have now in view goes far to arrest the evil, if the poor can only be brought to understand how much it is for their own advantage. So strong is the conviction forced upon my mind of the necessity of making an attempt to grapple with this frightful condition of affairs, that if you think you see your way clear to the adoption of your scheme, I will cheerfully undertake to defray the cost of erecting such a building as you propose.—Believe me, very sincerely yours,

ROBERT HUTCHISON.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—I should be much obliged to any one who is learned in the Poor Law to answer the following questions:

1. Can an able-bodied woman, residing with her husband, receive parish relief, supposing that she is herself out of work, or unable to go out to work, on account of having an infant to attend to; her husband being in regular employment, but taking his meals away from home, and declining to provide her with food?

2. Is there any legal machinery by which the husband could, under such circumstances, he not having deserted her, be compelled to maintain her?—I am, Sir, yours, &c.,

J. B.

## MARTIAL LAW.

BY R. M. PANKHURST, LL.D.

THE lamentable events which have transpired in Jamaica have raised constitutional and legal questions of the gravest character. The intense feeling, however, which has been manifested increases the difficulty of calmly considering the real issues presented.

The leading points appear to be—What is the true nature of martial law? Under what circumstances and by what authority may it be proclaimed? What, when martial law has been proclaimed, is the proper procedure by which to give it effect?

“Martial law is not, in fact,” says Sir Matthew Hale, “and reality a law, but indulged, rather than allowed, as a law.”

Its foundation is pre-eminent and overwhelming necessity, which suspends, for a time, the constitution and the regular course of civil jurisdiction and procedure. The presence of an imminent and extreme public danger may require and so justify that *senatus consultum ultimæ necessitatis*, which temporarily withdraws legal rights and the ordinary guarantees of personal freedom and security. Here *salus populi est suprema lex*.

An American authority says, “According to every definition of martial law, it suspends, for the time being, all the laws of the land, and substitutes in their place no law, that is, the mere will of the military commander. When martial law is proclaimed under circumstances of assumed necessity, the proclamation must be regarded as the statement of an existing fact, rather than the legal creation of that fact. In a beleagured city, for instance, the state of siege lawfully exists, because the city is beleagured; and the proclamation of martial law, in such case, is but notice and authentication of a fact—that civil authority has become suspended, of itself and by force of circumstances, and that by the same force of circumstances the military authority has devolved upon it without having authoritatively assumed the supreme control of affairs, in the care of the public safety and conservation.”

Our national history throws full light upon the subject of martial law, both in respect of its foundation and in respect of the authority by which it may be proclaimed.

A great portion of the struggle in England between the power of the Crown and the liberty of the subject, has consisted in determining with whom should rest the primary function of decision and action when there is laid upon the State the supreme necessity of self-preservation. Victory in point of principle early declared itself for the people, but in point of practice the contest was sometimes attended with various results.

It seems established that, what arises when paramount and inexorable necessity has declared that the constitution and the empire of the ordinary law must be suspended in order that the commonwealth may be preserved from destruction, is a *state of martial law*, and that the authority which determines the question of that necessity has *the power to proclaim* that law.

The claim of the Crown was rested, for the most part, on the assertion of a certain absolute power in the Sovereign "applied to the general safety, not directed by the rules of the common law, but more properly termed policy and government." Out of this mystic, illimitable prerogative sprang, it was maintained, the power to proclaim martial law.

The Petition of Right, which was merely declaratory of the existing law as manifested by numerous charters, finally set the matter at rest.

In the course of the debates upon the Petition, Serjeant Ashley, on behalf of the royal prerogative, speaks "of the law of the State," "of the law of State necessity" proceeding not by the law of the land, but by natural equity.

For this language he was ordered into custody; but he admitted that martial law could not be exercised in time of peace, when recourse might be had to the King's Courts.

Those on the side of the Commons distinctly assert that necessity is the source and limit of martial law. They maintain that its exercise in time of peace is contrary to law, and that a state of peace exists so long as the King's Courts are open. "We have no time of war when the King's Courts are open."

It was then firmly and finally established by the Petition of Right that the power to proclaim martial law is vested in Parliament alone.

No doubt the ministers of the executive occasionally have proclaimed martial law without the authority of Parliament, in order to save the State, protecting themselves by a subsequent Act of Indemnity.

It is desirable, in aid of clearness, to consider the nature of military law, which has reference to the government and discipline of the army and navy. This law rests upon a special but permanent necessity, and is established by the authority of Parliament.

What that authority is, with its limits, sufficiently appears from the preamble of the Mutiny Act, where the exigencies of maintaining an exact discipline among the military and naval forces are allowed to furnish exception to the great principle that "no man can be forejudged of life or limb, or subjected, in time of peace, to any kind of punishments within the realm by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of the realm."



Assistance in the present inquiry may be drawn from the customs and practices of nations in their hostile relations.

The laws of war are conditioned by the extent and character of the procedure necessary to effect the purposes of the war. This necessity alone justifies either the taking of life or the seizure of property.

The law of war, then, rests upon this necessity, tempered and modified by the limitations and exceptions which the humanity and morality of nations have by common consent introduced.

In applying the preceding considerations, as to the nature and the proclamation of martial law, to the recent proceedings in Jamaica, it should be added that the governor of a colony is the agent of the Crown, according to the terms and tenor of his commission. It has been seen under what circumstances and to what extent martial law may be proclaimed in England.

When, then, Governor Eyre proclaimed martial law in Jamaica, was there present that high overwhelming necessity which alone can justify the resort to that extreme measure? Was no other way open to preserve the colony from violence, rebellion, and wholesale bloodshed? Was the exercise of martial law rigorously limited in time and mode of application to the extent of the necessity out of which it sprang?

Could Governor Eyre, by no other means than those adopted, have saved the colonists from massacre, and the social state from dissolution?

Was Mr. Gordon seized red-handed, engaged in open acts of rebellion; and could he not have been tried before the ordinary tribunals, and according to the ordinary course of civil procedure?

Have the words of Lord Coke in the debates on the Petition of Right application to his case? "To hang a man *tempore pacis* is dangerous. I speak not of prosecution against a rebel. He may be slain in the rebellion; but if he be taken, he cannot be put to death by martial law. When courts of law are open, martial law cannot be executed."

These inquiries are put in the interests of humanity, of morality, of the national honour, and of the law of England.

Justice demands that final judgment should be suspended until after full, searching, and impartial investigation.

Governor Eyre may be excused, may be justified, by the proof of the existence of a necessity as great and terrible as his measures of repression were bloody and awful.

For the facts and evidence upon which a decision must be founded, we wait the report of the just appointed Commission of Inquiry.

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## REPORT ON THE TRIPLE MURDER IN RED LION-STREET, HOLBORN.

BY GEORGE HARLEY, M.D., F.R.S., PROFESSOR OF MEDICAL JURISPRUDENCE IN UNIVERSITY COLLEGE, LONDON.

ON the 9th of August last I was requested by Dr. Roberts, of Lamb's Conduit-street, to visit Starr's Hotel, where, as he informed me, three children were supposed to have been murdered, and that in a case of so serious a nature he deemed it advisable to have a second opinion.

On the third floor, in the front room, No. 6, of the above-named hotel, I saw two boys lying on their backs in bed quite dead. The younger of the two, Alexander White, aged eight, was near the back, the elder, Thomas William White, aged nine years, towards the front part of the bed. The bodies of both were cold and stiff, and although their countenances wore the placidity of slumber, they nevertheless bore the pallor of death. The eyes were half open—the pupils semi-dilated. On turning down the clothes both bodies presented a mottled appearance, from the extreme lividity of some parts, the deadly pallor of others. The attitude of the youngest child was that of a comfortable repose. The head slightly inclined to the left side. The hands were folded upon the abdomen. The legs gently crossed. The fingers of the right hand still retained within them a penny-piece, which fell from their stiffened grasp while the body was being turned upon its side, with the view of detecting marks of violence. No signs of injury were anywhere observable. It seemed as if the transition from life to death had, in this case, been rapid and painless. The position of the eldest of these two boys was somewhat different. The legs were slightly drawn upwards, the arms partially bent, the hands firmly clenched. The head, as in the other case, also inclined towards the left side. There was a slight escape of fluid from the mouth, and the part of the cheek in contact with the bedclothes was somewhat discoloured. In this case the position of the body suggested to my mind the possibility of a slight convulsion having ushered in death. The finger-nails of both children were of a purplish blue colour, and the depending parts of the body, arms, and legs were the chief seat of the lividity. No special odour was discernible about the children, but the whole room had a peculiar pungent smell, as if some strongly odorous substance had been recently accidentally or intentionally spilt in it.

In the back bedroom, No. 8, of the same floor, lay the dead body of a somewhat emaciated but handsomely-featured boy, Henry William White, aged ten years. The attitude and complexion of this child closely resembled that of his brothers. His expression was calm, the eyelids were closed, the pupils were natural, the face was deadly pale. A small quantity of fluid had flowed from the mouth on to the collar of his shirt, and that part of the left cheek in contact with it was mottled red and purple. The legs and toes were slightly bent, the hands partially closed, the nails and finger tips intensely livid. A spot of feculent matter soiled the sheet. The rigidity of death was well marked in every limb, and livid discolorations in all the depending parts of the body. No marks of violence were observable, but a slight odour was perceptible about the mouth. The whole chamber had a peculiar ethereal smell.

Having prosecuted the inquiry thus far, I left my hospital assistant, Mr. Andrew Stuart, surgeon, to assist Dr. Roberts in making the *post mortem* examinations of the children, and proceeded to the police-station, where one of the detectives handed to me two bottles and a tumbler, which had been found in the bedrooms, while, in the evening of the same day, I received from Dr. Roberts three sealed jars and five small phials. The jars contained the viscera of the deceased, three of the phials portions of the blood, and the remaining two the liquid which flowed from the lips of the two eldest children.

The remaining steps of the inquiry were made at University College.

On removing the lid of the jar containing the viscera of the youngest of the three children an odour resembling that of myrbane, or of cherry laurel-water became perceptible. The viscera consisted of the stomach, intestines, liver, kidneys, and part of the brain. All were perfectly healthy, though somewhat congested. In the stomach were about six ounces of semi-digested food, with an acid reaction.

As the suspected murderer stated that the children were poisoned with nicotine, the active principle of tobacco, that poison was carefully looked for in the stomach and other viscera, but with an entirely negative result; whereas the analysis yielded distinct evidence of the presence of prussic acid. No other poison was detected.

The jar containing the viscera of the second child was next examined. It had a similar odour to the other, though not so strongly marked. The organs were the same as in the previous case, and all were equally healthy and congested. Nicotine was again specially looked for in the viscera and their contents, but not a trace was detected; while, on the other hand,



unmistakable evidence of the presence of prussic acid was again obtained.

Jar 3, containing the viscera of the eldest boy, on being opened, smelt strongly of bitter-almond oil. The organs it contained were the same as in the other cases, but in this instance they were not healthy, being not merely congested, but the actual seat of tuberculous disease. The stomach contained about eight ounces of tolerably digested food, with an acid reaction, and, in this instance, yielded more prussic acid than the other two put together. No nicotine was detected.

Second examination of the fluids in the phials.—The liquids which flowed from the mouths of the two eldest boys yielded distinct evidence of prussic acid.

Having arrived at the conclusion that each of these three children had received a poisonous dose of prussic acid, it yet remained for me to try and discover how the poison had been administered. Two bottles and a glass had been found in the rooms; these were next examined. The six-ounce medicine bottle found in No. 8 was labelled "Chalk, &c.; a table-spoonful every three or four hours, as requisite." It was about half-full, and was found to contain prepared chalk, chloric ether, paregoric elixir, and water, being, in fact, an ordinary diarrhoea mixture. It contained no trace of either nicotine or prussic acid. The other medicine bottle which was found in No. 6 was also a six-ounce one, but of a different shape and colour, being flattened in form and bluish in tint. It had no label and contained only a few drops of a strongly-smelling liquid, the chief part of which was oil of copaiba. This was the substance which gave to bedroom No. 6 its peculiar pungent odour. It contained neither nicotine nor prussic acid. Adhering to the tip of the bottle's mouth was a hair about two inches in length. On microscopic examination it was found to have been pulled out by the root, to be of a pale brown colour, and of fine quality. It was a hair from a human head.

Lastly, the tumbler was examined. It had the appearance of having been washed and imperfectly wiped. It contained a few drops of liquid, and had some small fibres adhering to its interior. On chemical analysis the liquid proved to be merely water, and on microscopic examination the fibres to be those of white cotton-wool, such as might be derived from any undyed fabric made of that material. The tumbler also smelt strongly of copaiba.

In conclusion, I have to add that the history of the cases, the appearances and attitudes of the bodies after death, the result of the *post mortem* examinations, and the chemical analysis, lead me to the conclusion that Henry William White, Thomas Wil-

liam White, and Alexander White died from the mortal effects of a poisonous dose of prussic acid. The tests by which the presence of the prussic acid was recognised during this investigation were what are known among scientific men as the iron test, the sulphur test, the silver test, and the vapour test, all of which yielded positive evidence of the presence of the poison, as the result of some of their reactions now on the table amply prove.

Finally, as the jurors are, no doubt, anxious to know how much poison it took to destroy the children, I may at once inform them that I had no means at my disposal of ascertaining the exact quantity employed. But if I dare venture to hazard an opinion regarding the amount of prussic acid administered from the quantity which I was enabled by analysis to extract from the three dead bodies, and which I believe was sufficient to destroy another life, I should say that it is highly probable that the two younger children perished from about a dessert-spoonful, and the eldest from nearly a table-spoonful of medicinal prussic acid. Moreover, as I am not now relating facts, but merely propounding a theory, it may be mentioned that while I look upon the death of the youngest boy as having been both rapid and painless, I am inclined to the belief that the two elder children had some convulsive struggle, slight though it may have been, before death, and that the murderer deemed it advisable to administer to each of them a second dose of the poison while they were already in an unconscious state. To this conclusion I am led—

Firstly, from the position of their limbs ;

And, secondly, from the fact that a portion of the fluid poison remained unswallowed in the fauces of each.

As regards the poison bottle. From the circumstance of no phial beside those already spoken of having been found in either bedchamber, it appears to me probable that the murderer took the precaution of removing the vessel which had contained the prussic acid.

As regards the pungent odour which was diffused in the rooms, especially No. 6, I half incline to the supposition that if the copaiba mixture was intentionally spilt it must have been with the object of masking or destroying the smell of the poison which had been employed.

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## THE ACTION OF VEGETABLE FUNGI IN THE PRODUCTION OF MEASLES AND ALLIED DISEASES.

By TILBURY FOX, M.D. LOND.

THE agency of fungi in the production of disease is becoming more and more canvassed every day, and a great deal of good has been effected by the animated and hot discussions which have been carried on during the last few years, especially in France, upon the subject of spontaneous generation. For, although the opinions of the best men have fluctuated, and swayed to and fro, between the doctrines advocated by Poucet, on the one hand, and Pasteur on the other, yet, however, the current of belief sets strongly *away* from the theory of spontaneous generation. Much has been done by the observers named, to afford us a clearer insight into the subtle changes which occur in all those conditions intimately connected with the growth of fungi, and embraced by the term "fermentation."

In determining the influence of fungi upon the human system we may avoid many errors and much unnecessary trouble, if we attend carefully to the teachings of analogy. In the strictly medical department of science, attention has been repeatedly called by various observers to the occurrence of fungi on the human surface, in connexion with certain chronic eruptive diseases, though different views have been held as to the exact part played by these foreign agencies. It is not our intention to enter now into any disquisition of this class; should the reader wish for fuller information, he is referred to our work on "Skin Diseases of Parasitic Origin," where he will find microscopic illustrations. We have been asked in this present paper to draw attention to the production of acute diseases, and more especially measles.

Some two years ago, Dr. Salisbury published some remarkable statements, of which the following is an abstract: The Hon. J. D. presented himself, assuring Dr. S. that he was recovering from an attack of what seemed to be measles. It was his opinion that he had caught it from pitching straw from an old stack, portions of which had become partially decayed, the stack already steaming with the heat of decomposition; he inhaled very freely the fine dust, so much so that he tasted and smelt the old straw for a long time. Now on the same day (December 4) measles appeared hard by at the Military Camp, Sherman; a week or so before, the weather had been cool, damp, and sleety; there were some six hundred or seven hundred men in camp, each supplied with a tick filled with straw; these ticks



not damp, and two or three days subsequently, when the weather became warm, "measles" appeared. On the first day of attack eight cases occurred, and within the next fourteen days about forty in all fell ill; for ten or twelve days no other case occurred, but then forty or fifty more fell ill of the same malady; and all traces subsequently disappeared. There was not a particle of evidence to lead one to suppose that the disease had been brought to Camp Sherman from other parts.

Dr. Salisbury was then led to examine the question in some of its more immediately suggested details. He found, on microscopic examination, that several forms of microscopic fungi abounded in the musty straw. He then proceeded to experiment. He first took some straw, packed it in a box, wetted it, placed it near a fire in a temperature of from 60 deg. to 70 deg. Fahr., and in twenty-four hours he discovered that the mass had become heated towards the centre, and mouldy; when stirred, it gave out a fine dust, and in this dust were the elements of fungi. Under the four conditions always most favourable to the development of the latter, heat, moisture, a soil, and access of air, he obtained the material for experiment. Taking some of the dust, he practised inoculation upon himself. On February 11, ten P.M., he operated; on February 12 he was well, and there were no signs of inflammation or itching; on the 13th, came nausea, and slight redness with itching, locally; on the 14th, lassitude and nausea, chilly feelings, sneezing, wateriness of the eyes, and patches of "measly" rash. Repetition of the inoculation was unsuccessful. He now inoculated his wife, with a like result. He then tried a wider experiment. A boy was exposed to measles by contagion; and, seventy-two hours subsequently, Dr. Salisbury inoculated him with the fungus: slight catarrh followed, but no true measles. Again, in a family of seven children, ranging between three and seventeen years, the second "broke out" with measles; three days subsequently, he inoculated the mother and four children, leaving two (one of thirteen and one of seventeen years of age) unoperated upon. Nine days afterwards (twelve days after the first appearance in the family) the child of thirteen had measles, and two days subsequently the child of seventeen was affected likewise. After five weeks, no sign of measles had appeared in the mother or the four inoculated children. It is to be remarked that, in from twenty-four to thirty-six hours after these latter had been operated upon, slight catarrh appeared. Dr. Salisbury repeated the experiment in other families, with a like result.

The effect of inoculation is felt in from two to three days, and lasts for about the same time, sometimes a little more.

Dr. Kennedy, of Dublin, followed these observations by the

narration of the following instance: A youth, aged fifteen, returned to school in good health, and as he entered the school-room, one of his fellows met him and dashed into his face a handful of flax-seed powder, which was contained in a paper bag; a good deal of this dust entered his eyes and throat. At once all the symptoms of measles set in; and be it remarked that, two years before, Dr. K. had attended him with true measles. The dyspnœa in this case was severe, and lasted a very long time.

The first inference drawn here by Dr. Salisbury is, that the inoculation of the fungus of wheat-straw produces measles; and, moreover, that this artificially produced disease is protective against other attacks of measles. There are many other facts bearing upon the likelihood of *some such action*. It is well known that people working in rush-beds, amongst old books and musty substances, become affected by headache and influenza symptoms. Dr. Hammond, an able American authority, in his work, declares that he caught an intermittent fever from inspecting musty hay. It has very recently come to my knowledge that a form of influenza is often produced in horses by the use of fodder infested with fungi. Ergoted rye in Russia, diseased maize in Lombardy and adjacent parts, and various other instances, produce mischief, and illustrate the same kind of action. Malignant pustule in man is supposed to be in some way connected with the presence of Bacteridia. Hay-asthma is accounted for on the same principle.

I confess, I see some points of doubt in relation to the measles-question as put by Dr. Salisbury.

Dr. Salisbury says that "measles" result in the way suggested, after a period of inoculation as follows: after *inhalation* of the spores of the fungi, in from twenty-four to ninety-six hours; after ordinary contagion, in from eleven to fourteen days; and after inoculation, in from twenty-four to a hundred and twenty hours (two to five days).

First of all, we must rest assured that *true measles* results from the inoculation of the fungus of wheat-straw; that a series of symptoms which are common to measles and influenza, such as sneezing, frontal headache, lassitude, rigors, watery eyes, and inflammation, perhaps, of the bronchial mucous membrane, results, there can be no question. But the external evidences as regards the eruption are not those of measles: all that results is an occasional patchy redness, a roseolous rash, limited to a small space. At present we cannot say that true measles is so produced. But it may be urged, that the measles cannot develop fully because the inoculation is practised upon those who have had measles before; but this will not hold, for the same result happens in the case of those who have never been affected with measles. In

Dr. Kennedy's case, I take it, the nature of the disease was judged of rather by the general symptoms than the character of the eruption; and the cue to the diagnosis was certainly given by Dr. Salisbury's experiments.

But in noticing the second point, viz., the protective power of the disease produced by the inoculation against true measles, we are enabled to go with Dr. Salisbury almost entirely. It does seem from his experiments to have this property; and if it be true, then we hold it to be one of the most important questions that have ever come before the public for discussion. At first sight, it seemed that we possess the form of generating a specific poison (measles) at will; and we know that this is contrary to known facts; but, at any rate, it is likely that we have the means, by the production of a harmless, of preventing the ravages of a very serious malady. It is an analagous case to vaccination and small-pox.

We do not observe that the self-produced disease had any contagious quality about it. If it were true measles, it would most likely spread. In the family (mother and seven children, one of whom had measles) mentioned as operated upon, with the exception of two children who were attacked by true measles, the latter might have received it from the inoculated subjects; but this is not in harmony with the known circumstances of the case. There is no evidence of spread in Dr. Kennedy's or Dr. Salisbury's cases. This, again, makes one think it a little different from true measles.

In the outbreak at Camp Sherman, referred to before, the second batch of soldiers was affected after the usual period of incubation common to measles, and this is the only fact which tends to prove that this camp-measles is the same as true measles; but it admits of two kinds of explanation: (1) there might have been a fresh production, similar to that which occurred in the first batch, and (2) the camp-measles may be a modified form of true measles, in the same way that vaccinal is related to variolous disease.

Dr. Salisbury does not pretend to define the species of fungus which is the agent in his inoculations. He figures a great many forms; they appear to be early uredinous forms of ordinary puccinia: but we omit to enter into this matter, pending the results of our own experiments.

Now comes the question, How is this pseudo-measles produced? by the agency of the fungus alone, or of some condition of which the fungus is the index? Let us take two simple instances for illustration—the one acetic fermentation, the other the case of Bacteridia in animals. M. Pasteur has clearly proved that an alcoholic solution, however charged with albuminous matter, will



undergo no change towards the production of acetic acid, except there be the actual mycoderm present, and the least trace of the latter suffices; albumen need not be present, if there be a few alkaline and earthy phosphates; thus showing that the albuminous matter is not the ferment, but its food, as it were. Just so is it the case with the Bacteridia: *per se* they effect no change, but only when the blood of the animal is in a certain condition; hence in all cases in which parasites play a part, we need, besides their peculiar action, a certain condition of soil favourable to the growth. This is consonant with clinical observation and experiment; and an example in illustration is afforded by the oidium. In France, recently, severe results have happened from wounds accidentally made with the instruments used for cutting off diseased vine-branches, and death indeed has resulted, according to the testimony of Dr. Collin, of Nièvre. This opinion has been fully confirmed by the observations of MM. Desmarte and Bouché, of Vitran; and the French Academy has taken the subject into consideration. New experiments have been made by injection of oidial elements into veins of animals, and inoculation into other parts; and sometimes these have failed, and sometimes not. The difference is to be accounted for by the absence or presence of those other conditions which favour the special action of the fungus-elements. And it is well to observe, that the present season, in which serious results have appeared to have been connected with the growth of vegetable germs, has been peculiar in many respects, and has been such as to render the health of plants and animals peculiarly fitting for special disease. The "epidemic constitution" has been special: Cholera, Rinderpest, and other epidemic diseases have freely raged. We conclude then that there is something, in addition to the fungus itself, that must be taken into account. The fungus, finding a fitting soil, grows, and acts in several ways: first of all, mechanically; the force generated by a growing fungus is sufficient to split up the human hair and epithelial tissues. But, besides this, there is a vital action. It has the property of absorbing oxygen, and giving out carbonic acid,—of, in fact, inducing oxidation or destructive change.

In some cases, the fungus plays the part of a mechanical agency to a greater degree than in others in which its vital activities are peculiarly marked; and these stand in strong contrast to each other. For instance, in common ringworm and allied affections of the surface, there needs be a suitable soil; but the effects produced are those of local irritation and mechanical force, such as one would quite expect from the development and out-shooting of mycelial threads. But in the instances of the pseudo-measles, hay-asthma, and influenza, the fermentative (catalytic)

action is especially displayed. In this latter state a certain result obtains, and is characterised by the production of a new and active compound, such as results in alcoholic or acetous fermentations. Now, applying this idea to explain the production of pseudo-measles, we are led to conclude that agent is not the mere fungus, but the fungus plus some subtile compound, the resultant of the action of fungus upon a special state of the juices of the wheat-straw. In the case of disease from the use of ergoted grain, from the infliction of wounds by the instruments used to cut off diseased vine-shoots, in influenza from musty fodder, in ill from diseased rice or bad potatoes, we should rather regard the fungi at work as the index of something else. It is quite certain that the cause is a compound one, of which the fungus is an important portion, however.

There are many facts which entirely corroborate this view of the question. If we return to Dr. Salisbury's experiments, it will be noticed that, before any *local* evidences of the action of the inoculated fungi showed, the patients complained of general symptoms, such as nausea, malaise, headache, &c.—a state of things which indicates that some subtile poison must have been introduced into the system. The fungus plays the part of a conveyancer, in the same way that the pus-globule of small-pox or any other like substance does. I firmly believe that the endogenous cell has the same relative action amongst animal as the endogenous fungus-cell has amongst vegetable bodies; and I cannot forbear to express the belief that we are on the eve of one of the most important generalisations that have ever yet been made in science, and in a field of inquiry that has, up to the present time, been mystic and uncertain to a terrible degree. It is just as possible that the elements of a fungus may hold active material as does the tiny amount of vaccine matter which, introduced into the system, produces such marked results. It has been noted by more than one observer that diseased (ergoted) rice produces severe diarrhoeal and dysenteric symptoms, and some have affirmed that it is the cause of cholera. There can be no question that it has some influence of the kind, and a bad rice-season is generally attended with ill results of the nature of cholera.

Such facts as these have very important bearings. They suggest at once to us the possible origin of many poisons, both from decomposing animal structures on the one hand, and decomposing vegetable structures on the other; the agency evoking the poisons being in each case vegetable oxidisers. Thus malignant-pustule poison would be sought for in the former (animal), and measles, cholera, and influenza in the latter (vegetable) destructions.

It is also worthy of notice that the activity of associated poisons is greatest at the time that the fungi are in their earliest stage of development—their spermatiferous condition. This would naturally be so because the generated poison would be fresher and more active, necessarily, and would make it the more appear that the fungi were the active agencies at work. Again, we are now pretty well assured that a large number of the elementary forms of microscopic fungi are not distinct species, but mere varieties; and it has been proved in the case of acetous fermentation that a different stage of the same fungus is followed by different results, especially if the solution acted upon be somewhat different in composition. This fact would account most satisfactorily for the peculiar similarity presented by many diseases—for example, scarlatina, measles, and rubeola notha: typhus and typhoid: and the like.

I know no field so promising as regards the usefulness and applicability of the probable results as that indicated by the *Lancet* in one of its annotations, under the head of "Diseases of Men, Animals, and Plants." It appears that the University of London holds funds to the extent of some 30,000*l.* for the establishment of an institution having for its object the encouragement of such study. But I refer my readers to the pages of the *Lancet*.

There is one more point of interest which I will just allude to. I have argued that in Dr. Salisbury's experiments true measles did not result, but an allied disease, which is, however, protective against measles. Now, it is just possible that this may be a modified form of measles, and that the fermentative kind of action comprehended in its occurrence, and produced by the inoculation of the fungus, may exhaust the soil, so to speak, which needs must exist for the play of the measles-poison. This is what happens in the case of vaccination: there is abundant evidence to show that vaccine virus is only a modified condition of the true small-pox virus, and the action on the blood by the latter destroys—feeds up, as it were—that state, without which the small-pox virus cannot display its activity.

I have thus given a mere sketch of this subject, and reserve till another occasion the results of certain carefully considered experiments in progress. In the mean time, any fact or facts bearing in the slightest degree upon this particular question—of the influence of fungi in the production of disease—I should be thankful to receive, especially in reference to the production of symptoms at all allied to catarrh in animals from the eating of fodder affected by the red rust (*uredo rubigo*). An impression prevails in the minds of many large stock-breeders that this has



occurred during the present season, which has been characterised, amongst other things, by a large abounding of all kind of rust and mould.

In conclusion, I would merely add that the *indication* of Dr. Salisbury's experiments is clearly the possible possession of a simple agency producible and applicable at will to the prevention of one of the greatest causes of mortality amongst children—measles.

This matter bears very much upon the state of some public conveyances in their relation to disease, particularly at the present Christmas time, when these are made use of to a more than usual extent by the masses. In a great many cases the internal condition of 'busses is confined, foul, and ill-smelling; but beyond this in damp and dirty weather, it is customary to substitute for dry mats a quantity of straw. Professedly the latter is clean, dry, and replaced by a fresh supply each morning, but I fear that the type of perfection in this respect is ideal, and not followed out in practice. Indeed, there cannot be a doubt that, not only is the straw not of good quality, but much of it is musty, and conveniently supplied from the stable yard. A ride in a two-penny omnibus in the most frequented lines will satisfy one on this point.

We know how easily fungi may spring up. A few cells of *Bovista giganteum* have increased in a single night to millions, forming a mass the size of a large gourd. And the damp straw in 'busses, if left there forty-eight hours, would certainly be most favourable for the development of any mischief connected with catarrhal symptoms. I call attention to this matter in the hope that some supervision may be demanded, to abolish the straw system, or, at least, to secure to the public the absence of musty, wet, and damp stuff, and a frequent renewal of the supply.

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## CAPITAL PUNISHMENT IN ENGLAND AND WALES.

BY WILLIAM TALLACK, AUTHOR OF "MALTA UNDER THE PHŒNICIANS, KNIGHTS AND ENGLISH," &c.

**A**T the commencement of the present century more than two hundred crimes were subject to the capital penalty. These offences will be found, separately defined and referred to their respective statutes, in the third volume of Mr. Basil Montague's work "On the Punishment of Death." Many of them were of a comparatively trivial nature, as, for instance, cutting down a cherry-tree in an orchard, damaging the rails of a turnpike-gate, letting water out of a fish-pond, or being seen in the company of gipsies for a twelvemonth.

The first statesman who specially exerted himself to ameliorate this shocking severity of the penal code was Sir Samuel Romilly. Subsequently the work of mercy found energetic and successful agents in the Duke of Sussex, the Right Hon. Dr. Lushington, Sir Thomas Fowell Buxton, Bart, M.P., William Ewart, Esq., M.P., Sir Fitzroy Kelly, M.P., Sir Thomas (afterwards Lord) Denman, Lord John (now Earl) Russell, and Messrs William Allen, F.R.S., John Thomas Barry, Sydney Taylor, and others. Through the labours of these gentlemen and their coadjutors, one class of crime after another was, from time to time, removed from the fatal category, until in 1841 only eight crimes out of the two hundred remained capital; and by the Consolidation of the Criminal Statutes, in 1861, this number has been still further reduced to two, viz., murder and treason.

Has it then been found that such sweeping alterations in the law have been attended by a decrease of security to society? Have the two hundred crimes that have been thus removed from the operation of the death penalty been committed with greater impunity than before? It may confidently be asserted, in reply, that the public safety is much greater now than it was fifty years ago during the alleged deterrent efficacy of the old hanging system. No revolting gibbets now swing on the banks of the Thames, or on Hounslow Heath, yet robbery and violence are in a far less degree than formerly the daily liability of our citizens. No Fauntleroy by the spectacle of ignominious death on the scaffold, now proclaims to gazing thousands the danger and guilt of forgery; yet our bankers and merchants enjoy an increased security from fraud. Even in the extreme case of treason the sword of justice has of late years been withheld;

but what reflective person would conclude that the condition of public opinion and order in Ireland would have been improved if the execution of a Meagher, an O'Connell, or still later of a few miserable Fenians, had been carried into effect ; or that the loyal inhabitants of Wales would have been in any degree less attached to law and to the throne, if Frost, Williams, and Jones had actually undergone the sentence pronounced upon them.

Doubtless very much of the improvement which has taken place in our modern state of public security is owing to a more efficient police, to a more widely diffused education, and to other preventive and civilising influences ; for these and such as these are the natural sources and appropriate causes of a decrease of crime, whereas frequent exhibitions of the gallows manifestly tend to harden and demoralise, and also promote a peculiar uncertainty, and consequent inefficacy of justice.

Let us glance at the experience of the past with reference to this particular point, viz., the increased certainty of conviction and punishment attendant on the enactment of severe secondary penalties rather than a capital one. Taking a list of the principal crimes, and arranging them in order of the certainty of conviction, it is suggestive to observe that murder occupies the very lowest place in that respect. Thus the official statistics of crime, for the ten years ending 1863, give the following average of convictions arising out of every hundred committals for trial for the respective offences.

Burglary . . .	81	per cent. convicte d.
Housebreaking . . .	80	" "
Forgery . . .	80	" "
Cattle-stealing . . .	77	" "
Horse-stealing . . .	76	" "
Sheep-stealing . . .	71	" "
Indecent Assaults . . .	67	" "
Robbery . . .	66	" "
Attempted Murder . . .	60	" "
Arson . . .	56	" "
Manslaughter . . .	45	" "
Rape . . .	39	" "
Murder . . .	30	" "

It thus appears that out of every one hundred criminals arraigned for each of the above offences, the murderers have by far the best chance of escape ; only thirty having the prospect of absolute conviction. This is independent of the still greater number of murderers who are never brought to trial at all, but who escape apprehension, or even suspicion. The above percentages do not include, for either of the crimes, the persons



acquitted, or detained, on the ground of insanity. This proportion has been, on the average, 16 per cent. in the case of murder for the above ten years. But after adding these to the 30 per cent. convicted, it remains that 54 per cent., or more than half of our accused murderers, have been absolutely and entirely acquitted. Certainly in some instances their innocence has been established, but in many other cases the public have justly been astounded and shocked, and the criminals themselves greatly astonished, at the strange verdicts of acquittal returned. It must further be remembered that whilst only 30 per cent. (or 46 including the insane) have been convicted for murder, only 18 per cent. have been executed according to the sentences pronounced. (As the average of the ten years 1854-63). This indicates 85 per cent. of probable escape from the infliction of the capital penalty in England and Wales !\*

Average.	Verdicts of Wilful Murder by Coroners' Juries.		Sentenced to Death for Murder.
1856-61	.....	209	..... 21
1862	.....	221	..... 28
1863	.....	270	..... 29
1864	.....	246	..... 32

The *Pall Mall Gazette* of September 8, 1865, commenting on this table, remarks, "It seems, therefore, that *only from one-seventh to one-ninth* of our murderers were sentenced to be hanged."

	Sentenced to Death for Murder.		Executed.	Proportion per cent.	
1822-31	.....	15.3	..... 13.2	.....	86
1832-41	.....	17.2	..... 10.3	.....	60
1842-51	.....	17.9	..... 10.6	.....	59
1852-61	.....	18.2	..... 10.4	.....	57
1862	.....	28	..... 15	.....	54
1863	.....	29	..... 22	.....	76
1864	.....	32	..... 19	.....	60

In many cases of strange acquittals for murder, there can be no doubt but that jurors have been very urgently, yet reluctantly, influenced to their decision by their sense of the danger of condemning an innocent person to an irreparable and fatal punishment. That such a dread is not unfounded, even in the present day, is strikingly proved by the recent case of Polizzioni the Italian, who on apparently clear, but mistaken evidence, was sentenced to death, last spring, for the Saffron-hill murder, of which he was subsequently proved innocent, and for which another man was eventually convicted and punished.

\* This is irrespective of the still greater number of murderers who are never brought to trial at all, but who escape apprehension or even suspicion. This is indicated by taking the number of coroners' inquest verdicts of "Wilful murder," instead of the number committed for trial for murder.

The legislation of the past thirty years has strikingly proved, in the case of other crimes also, the tendency of the capital penalty to promote the escape of the guilty. About the year 1830, one thousand bankers signed a petition for the abolition of the punishment of death for forgery, setting forth, amongst other pleas, the following: "Your petitioners find, by experience, that the infliction of death, or even the possibility of this infliction, prevents the prosecution, conviction, and punishment of the criminal, and thus endangers the property which it is intended to protect." The truth of this plea has subsequently been confirmed by an increase of 18 per cent. in the average proportion of forgery convictions. Similarly the proportion of convictions for arson has more than doubled since the capital penalty was removed. The proportion of convictions for rape has likewise risen 143 per cent. on the former rate whilst capital. And in like manner, as regards the other crimes once capital, the conviction and punishment of their perpetrators have, almost without exception, become more certain with the removal of the capital code. Yet the average of conviction for all crimes taken together has scarcely changed in the same period, having only increased 2 per cent. in thirty years.

And not only has certainty of conviction increased with the removal of capital punishment, but clear and official testimony can be deduced, showing that the number of the crimes committed does not appear to have materially increased as a consequence of the removal of the death-penalty. In the "Judicial Statistics" for 1859 (issued annually by Government), there is given, at page xvi., a table of the committals for various crimes for thirty years past, concerning which table it is there remarked in respect of the crimes of burglary, housebreaking, robbery, cattle, horse, and sheep stealing, arson, forgery, and coining, as follows: "*These comparisons are by no means unfavourable.*"—"In the thirty years over which this comparison extends, the population cannot be estimated to have increased less than 40 per cent., and property probably in a much greater ratio." It is then remarked that "the committals for rape, &c., which, on the abolition of the capital punishment, in 1841, at once attained a higher rate, *have since been without important change.*" The latter statement strongly confirms the frequent assertion that the capital penalty, whilst enacted for certain crimes, prevented their prosecution in many cases. In further confirmation of this, we find that the committals for forgery rose from 404 to 781 in the next five years after the final removal of the capital penalty from all forgery, but in the subsequent five years, ending 1849, they were

only 783, a considerable relative decrease, considering the greater population and the increased facilities afforded by cheap postage, extended education, &c.

On the abolition of the capital penalty for arson, its committals for trial rose from 294 to 659 (five years ending 1840), indicating a still greater degree of increased willingness to prosecute. But, twenty years afterwards, the committals for arson were only 664 (five years ending 1859), being a very great relative decrease.

The statistics of other crimes once capital have also yet more clearly proved the non-necessity of the fatal penalty. Thus as to horse-stealing, it is recorded that, on a criminal being sentenced to death for this offence, he indignantly protested against a human life being forfeited for stealing a horse. The judge replied, "You are not to be hung merely for stealing a horse, but that other horses may not be stolen." Doubtless, the judge and many others believed that capital punishment was absolutely essential for the security of horse-property. But it is now proved that increased facilities of detection and altered conditions of society have availed to repress horse-stealing where the gallows was utterly inefficient. There are fewer committals for horse-stealing now, both absolutely and comparatively, than forty years ago—viz. 488 for the five years ending 1863, as compared with 938 for the similar period commencing 1826, a decrease of nearly 50 per cent., with more than 40 per cent. increase in population, and probably a vast increase in the number of horses in use.

In like manner cattle and sheep-stealing have both greatly decreased, notwithstanding a non-capital system. For the latter crime there were 513 committals in the period ending 1863, against 1176 for the similar period commencing 1826. So also with burglary and housebreaking. Whilst the population has increased 40 per cent. since the latter crimes were capital, they have increased *less* than 40 per cent. (4201 committals in 1830-34, against 5602 in 1855-59). In robbery also there has been even a greater relative decrease.

These results, quoted from the published official statistics, indicate two conclusions—firstly, that the abolition of the capital penalty has largely increased the certainty of the apprehension and punishment of criminals; and secondly, that that abolition has not produced a relative increase of the number of crimes committed. If to these results we add also the important advantages accruing from the exemption from various peculiar difficulties and evils practically found to be inseparable from the death-penalty, ample reason has been manifested by English experience, so far as it has been carried out, in favour of the abolition, and against the retention, of capital punishment.



Further, if, as has been shown to be the case, the death-penalty has been less efficient than severe secondary ones in repressing comparatively minor offences, how is it likely to prevent the greater crime of murder, which is usually committed under much stronger impulses and far more ungovernable passions?

Our space does not permit us here to allude in detail to the arguments respecting the deterrent effect of capital punishment, but merely to remark that recent events have very decidedly confirmed an often-observed result, namely, that the occurrence of a peculiarly notorious execution or capital trial constitutes a strong presumptive probability of the speedy repetition and increase of further similar crime. Thus, the recent execution of four men at Liverpool, of Müller at London, and of Dr. Pritchard at Glasgow, all of which were specially described, far and wide, in minute detail, by the cheap and illustrated press, were each respectively followed, almost immediately, by a very remarkable and unusual outburst of homicidal outrages.\*

\* Dr. Pritchard was executed July 18, 1865. His trial and death excited unusual attention. Just afterwards, within a few weeks, occurred the quintuple murder at London and Ramsgate by Southey, the triple murder at Southwark by Esther Lack, the double murder at Batley by Ely Sikes, and an extraordinary number of single murders in various places, as, for instance, Kelly's murder in Edinburgh, the parricide by Veale at Evesham, the murder of Major de Vere at Chatham, the slaughter of a German at West Ham, of a girl at Wolverhampton, and of a man at Sheffield, &c.

It was so in the metropolis last autumn. Müller was executed November 14th, and on the evening of the very same day William Jessemmer, an engineer, stabbed Leonard Blackburn, in Berwick-street, exclaiming, presently afterwards, "I will be hung for him, as Müller was for Briggs." The same week Elizabeth Burns cut the throat of her son, in Southwark, and stated to the magistrate (Mr. Woolrych), "Yes, I intended to murder them all, as I wish to die—I want to be hung." A few days previously, William Greenwood, a soldier, attempted to murder Margaret Sullivan, in Gray's-inn-road, and, on his apprehension, said to a policeman, "I will be hung for her. I don't mind swinging with Müller for such as her." Again, just after Müller's sentence, another foreigner (Köhl) committed the horrible murder at Plaistow, for which he was shortly afterwards hanged. And nine days after Müller's execution, Alfred Jackson murdered Thomas Roberts, at Clerkenwell, almost under the shadow of the gallows of the Old Bailey. Yet another murder also took place at Hatcham, near London, in the interval between Müller's sentence and execution. Such an extraordinary outbreak of homicidal crimes in the metropolitan district is, I believe, utterly unprecedented and if capital sentences are efficient to deter, the period of their execution should have been the very last one where they might have been looked for.

The notorious quadruple execution at Liverpool two years ago, instead of deterring from murder in that place, for some considerable subsequent period at least, was followed in a few weeks by five murders and one attempt to murder; all the crimes being committed in the same town.

In like manner a recent execution for the murder of a child at Chatham by Burton (who had expressed a wish to be hanged), was followed in a few weeks by another murder of a child in the same town by Alfred Holden, who also repeatedly uttered a desire to be hanged, a wish which was not refused; and a third murder was perpetrated at Chatham shortly after these two executions.

Space would fail for the number and details of similar illustrations which might be adduced evincing the tendency of capital sentences and executions to foster a morbid desire for notoriety or murderous imitation.

In Earl Russell's last edition of his "Constitutional History of England," after showing that executions in this country have during the last forty years, decreased from an average of 56 to 15 per annum, he remarks, "It may well bear a question whether murder is prevented by retaining the punishment of death for eight, ten, or fifteen persons in a year." Similarly Mr. Bright, in his eloquent speech in Parliament, May 3, 1864, said: "Perhaps the ten or twelve who are now hanged annually may be brought down to three or four, and at last we may come unanimously to the opinion that the security of public life in England does not depend upon the public strangling of three or four poor wretches every year."

The Government Statistics prove that only 8 per cent. of our criminal population can read and write well, and that less than 1 per cent. of them have had superior instruction. Thus, we gather that it is rather to the removal of this melancholy ignorance so prevalent, to the diminishing of the wide-spread habits of intemperance, and to the removal of the vice and wretchedness inevitably consequent upon the revolting condition of myriads of the dwellings of the poorer classes in this country;—it is to the eradication, by means of religious and social agencies, of these, the real roots and causes of crime, and not to the irregular and fitful lessons of the hangman, that we must turn for the extirpation of violence and murder from our land.

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## ON THE MUNICIPAL GOVERNMENT OF THE METROPOLIS.

THE metropolis has outgrown its governing powers. There is no elasticity in the system, which to-day impedes its progress, and for all municipal purposes reduces it to a state of exceeding weakness. It is a giant swathed and bound, constrained to move in prescribed limits, presenting an aspect of weakness, claiming pity from its tormentors. Here a railway is recklessly attacking a vital point. There a series of monopolists in gas and water mock its efforts at freedom. An improvement demanded by the metropolitan voice is retarded, its traffic outgrowing its powers of regulation; its own power cramped and dwarfed, so that the smallest corporate town in the United Kingdom can favourably contrast its position, and put forth a strength denied to the metropolis of an empire. All that concerns London is of imperial importance—rises into the dignity

of a national question. All the great interests of the empire flow into and centre in its midst. It is not only the seat of government, but is a vast hive of commerce, industry, population, and wealth—the greatest city that ever existed. It always held this place in the empire. Liverpool, Manchester, Birmingham, and Sheffield have burst into power during a generation, but they far surpass her in local powers and municipal importance. The corporations of London and Westminster escaped the reforming hand of 1835. Lord John Russell proposed in that year to introduce a separate Bill to reform the London corporation. From that time to this, the political support of the London corporation has been too powerful to be resisted. A new power has, however, arisen. Huge districts have grown up around it, and the city in its intelligence and power seeks alliances. An alliance with mere vestry-power is beneath the dignity of an ancient corporation. It has seen grow up in the tenth of a century a corporation in the Metropolitan Board, more extensive in area, entering its own ancient limits, wielding a mightier power and having a greater future than it can pretend to. To welcome this power, and to meet it on equal terms, it must have kindred allies. Municipalities must arise, to divide with it the local sway of the empire city. Before they can be called into existence a formidable work has to be accomplished. The ground has to be cleared for action. The measure of Sir B. Hall, the Metropolis Local Management Act, was a great stride—a bridge between the worst form of government and municipal action. Lord Llanover will ever be revered by Londoners for this great boon. It swept away some hundreds of local trusteeships and commissions, and prepared the way for a change, the necessity of which was then foreseen. It left, however, a medley of government. The present government of the metropolis is in the hands of

The Corporation of the City of London.

The Corporation of the City of Westminster.

The Metropolitan Board.

Thirty-nine vestries and district boards.

Thirty-nine boards of guardians.

The Commissioners of Police.

The Lord-Lieutenants of the counties of Middlesex, Surrey, Essex, and Kent.

The magistrates of the same counties.

The Commissioners of Lieutenancy of the City.

To facilitate the detailed working by the several authorities, the metropolis is divided into thirty-seven districts, for the pur-



poses of registration of births; into fifty-six districts for the duties of the Building Act; into nineteen divisions for Police purposes, with fifteen Police Courts; into thirteen County Court districts; into fifteen militia districts; and additional divisions for inland revenue, postal, and gas and water, and parliamentary purposes: so that a map of London must have fourteen or more different boundaries to represent in each area the controlling powers, defying statistical analysis. Mr. Horton, of the Registrar-General's department, has recently prepared and published a most elaborate and reliable series of tables on these numerous subdivisions.\*

So vast is the area affected, that the details on this head would alone suffice for a paper.

Those who have watched the progress of government under Lord Llanover's Act will be prepared to endorse a sweeping censure on the vestries and district boards. In no one detail have they risen equal to the discharge of their duties. The sewers of London are in a fearful state of neglect and decay, and altogether unequal to the demands of sanitary science. The paving of the metropolis is a disgrace. In certain large thoroughfares, like Oxford-street, Regent-street, Piccadilly, and other great trunk thoroughfares, there is a semblance of vigour, cleanliness, good repair, and attention. The by-ways and minor streets are in a state of chronic disrepair. The sanitary state of all the parishes is a standing bill of indictment. One parish alone, St. James's, has succeeded in removing cow-houses from its midst. In all the essential details of the Nuisances Removal Act and the Local Management Act, the vestries have moved with palsied hand. The action of the medical officers has been essentially weak. No public opinion has followed them, and the vestries have failed to appreciate the high importance of the department. Of all the minor Acts, the Libraries Act, the Gas Act, the Water Act, the Food Adulteration Act, there is a blank record. The vestries have been incompetent to perform the task entrusted to them, and have never risen beyond the level of the routine duties Sir B. Hall's Act transferred to them for more localised power. In the mean time the area of the metropolis, now ranging on 80,000 acres, has been extending its limits. A number of houses equal to that of the city of York have been added each year to our vast total. New interests have arisen in the rapid growth of our commerce—the necessity for increased traffic-arrangements, the crowded state of our footpaths, the introduction of railways into our midst, the vast underground arteries of intercommunication, the extension of our cab and omnibus traffic,

\* Municipal Government for the Metropolis. Hardwick, Piccadilly.

the giant growth of the gas, water, and commissariat details, to control, check, and govern which no adequate powers exist. The Metropolitan Board, in dealing with the vast question of sewage, has, with some shortcomings (and those, where public opinion has expressed itself, more the fault of individual members, against whom serious charges have been made), adequately and with rare judgment performed its assigned duties. If we sought to deal with a centralising idea, only with the modification of increased number of representatives, we should with confidence rely on its proved capacity to undertake and to execute the highest work. Its officers in the highest grade are possibly of a lower eminence than befits the colossal character of its operations; but shortcomings there are amply met by the supremacy of the chairman, whose rare ability and perfect mastery of the details of his great task ensure public confidence. In some of the details of evidence given before the Committee on Metropolis Taxation we are greatly interested. For instance, the Middlesex magistrates collect the county-rate by prescript, which includes the charges for bridges, gaols, roads, and lunatic asylums. They make their own assessment on their own basis. The parishes, however collect it on their own poor-rate assessment. The result is peculiar: in six London parishes the poor-rate assessment is higher than the county-rate, in nine others it is lower, in seven both are nearly equal. The result is that, in the reassessments of 1847 and 1855, the greatest injustice reigns in the collection.

But the Middlesex magistrates are an irresponsible body. Nominated by the Lord Lieutenant, they have no representative capacity. More often the spawn of political corruption than an elevated thoughtful class intent on the performance of a high duty, when they descend to the actual detail of petty sessions and licensing the most glaring inconsistencies and weakness are apparent. When elevated to the action of quarter sessions, they are aided by the presence of an assistant judge, who, however, sometimes fails to check their untutored and illegal judgments where an efficient political whip has preceded the expression of his authoritative opinion.

Weak in divided authority, powerless, from its vast extent, in joint action, a new and complete change of government is called for. The City of London, with the reforms essential and not ignored by its best citizens, suggests the model. The Vestry of St. James's, on the motion of Mr. Beal, proposes to accept the model and to adapt it to the metropolis. The authority of Mr. Stuart Mill may be quoted in favour. At the moment when Sir George Grey invited the guiding counsel of the Metropolitan Board, and that board fell short of its high mission in the presence

of men elected by men themselves of the elect, a suggestion was made, specially as regards Westminster, to merge all vestries into one municipality, and generally as regards the metropolis (quoting Stuart Mill), to effect the union of all London into one body for municipal purposes, with smaller bodies of the same sort for purposes special to each of the Parliamentary divisions. The *Times* has for years pointed to this end. The Commission, of which the late lamented Sir G. Lewis was a member, to inquire into the existing state of the City Corporation (1854) proposed the same system. Mr. Ayrton, M.P. for the Tower Hamlets, with some modifications, has proposed the same. Mr. Sothern Estcourt, late Home Secretary under Lord Derby, was understood to be favourable to the same change. The Conservatives have always venerated our municipal charters. An opportune moment seems to have arrived. Existing (metropolitan) institutions have worn themselves out, and a change is imperatively demanded. The suggestion of Mr. Beal is to make the city (subject to necessary modifications) the model.

The city is a county in itself: elects its own magistrates, coroners, sheriffs, and other judicial officers; controls its own gaols and courts of law; empanels its own juries; controls its own police, and governs (except so far as it is subject to the Metropolitan Board) itself. Mr. Beal proposes to make the whole metropolis a county in itself, and to give to it all powers now exercised by the city; but to localise, in parliamentary boroughs or municipalities, what is purely local in the city. It is to marry the metropolis to London, or London to the metropolis. If ever London is to be well governed, its vast local and imperial interests properly protected, no other scheme can be devised adequately to undertake the great work. There are details open to correction and revision. The Home Secretary will not yield the control of the metropolitan police. The Metropolitan Board will be loth, even with increased dignity, to resign its title and its supremacy. The title, "Metropolitan Council" is more expressive than its present one, but substantially that is the extent of the change. It does indeed suggest another alteration—whether all north of the Thames should be made, subject to the local parliamentary borough municipalities, one Metropolitan Council north, and all south another municipality. Other modifications may be suggested, but, practically, we simply beg to endorse the principle at stake. In the pamphlet issued by Mr. Beal the details of the Act are suggested, which are open to the correction and alteration wide experience and governmental necessity may suggest.

Practically, we desire to see the whole system of vestries limited to church matters, and the whole detail of local management handed over to borough municipalities, with one or two



great Council Boards to conserve, protect, and control the metropolitan interests now the sport of various authorities, of conflicting interests, included in the list to which the attention of our readers has been directed.

An example of the state of chaos common to London may be found in Westminster. According to a parliamentary return, it has nine parishes, with five boards of local management, paying 20,000*l.* in salaries, and employing twenty-one clerks and vestry-clerks, six surveyors, four solicitors, nine officers of health, six inspectors of nuisances, besides the workhouse staff in each parish, equal in each to what is really required for the whole.

An illustration of the cost of detailed management, is to be found in the contrast, also based on parliamentary returns, between the parish (not the borough) of St. Marylebone and the whole City of Westminster :

	£
Marylebone parish collects . . . . .	194,036
Westminster city . . . . .	194,031
plus police and county-rate—	
Marylebone . . . . .	38,167
Westminster . . . . .	78,814

The salaries and poundage are respectively,

Marylebone . . . . .	7,711
Westminster . . . . .	17,462

We believe the same would hold good of the metropolis, that where detail management was transferred to wholesale management, the like startling results would be apparent. We have not space to enter upon the wide field involved, of the neglect of parliamentary interests in London.

The election of Stuart Mill, Thomas Hughes, and Torrens McCullagh will go far to neutralise many flagrant defects; but the numerical weakness of metropolitan representation is suggestive of the necessity of an urgent demand for a change in its favour. The statistics of representation all demonstrate the gross injustice under which it labours, whether regard be paid to the population number of electors, the real property paying income-tax, or the inhabited houses. If (without giving a mass of figures) the figures are carefully analysed (and we propose to do so in a future number), it will be found that the number of M.P.s should be

According to population . . . . .	56 Members
„ registered electors . . . . .	63 „
„ property . . . . .	78 „

This will appear more impressive if we state that there are seventy-four boroughs in England and Wales with populations of less than 10,000, forty-two of which return two Members, and have a population of 279,417. Each of the following metropolitan boroughs exceeds the aggregate—

Finsbury,  
Marylebone,  
Tower Hamlets,  
Westminster (nearly equal),

whilst the Tower Hamlets is equal to the whole seventy-four in the mere question of population.

Next to a Reform Bill for the whole kingdom, the consideration of metropolitan questions affects a larger body of the population than that involved in any other public question. To adequately represent the interests involved, to do justice to the three and a half millions interested, the whole question of metropolitan government and representation demands the most searching analysis and the most careful consideration of all questions, with the view, once and for all, properly to protect interests long neglected. Whether the better plan is to await the action of a parliamentary committee, or boldly to demand the Bill, the whole Bill, and nothing but the Bill, we leave to those intent on remedying metropolitan grievances; but we are certain that no higher or loftier stand-point can be taken than the demand for substantial justice to the suffering interests of the metropolis, local, municipal, and parliamentary.

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## REVIEWS.

## ERRING BRETHREN.\*

HOW difficult it is to realise to oneself what it would be to be a convict—or even to have been one! For others, let them be what they will, there is no absolutely indelible disgrace; faults of the gravest complexion, misdemeanours of the deepest dye, even offences against the intrinsic morality of society, are all softened away by the hand of time. The wildest young man, having sown his wild oats, may reform; even the woman who has once fallen under social disgrace may redeem herself by long years of good conduct, till old whispers die away. But to have come under the arm of the law, *that* is indeed among us an indelible brand. The law of the land is to an Englishman something superlatively sacred. He has bled for it, been beheaded for it, exiled for it. He has made it, by much pains and after many sacrifices, if not a perfect law, at least the most workable which the world ever saw. If less accurate and complete than the Code Napoleon, it possesses a tough and supple strength all its own; it is inextricably intermixed with the national Church, the national customs, the national domestic life. Woe to the unlucky wight on whom, instead of being a strong support and shelter, it has set its seal of reprobation! He suffers not only for his sin, not only because he has offended our moral sense, but also, and even more, because he has come into collision with that great authority which is among us as a household god.

Yet, says Miss Carpenter, on her opening page, these unfortunate people are “a part of our society. They belong to ourselves. They are not only subjects with us of the same great British empire, on which the sun never sets, but they belong to the same British isles, the same small centre of civilisation, the same hearts of the world’s life.” We would send them off, if we could, to carry their moral corruption to other shores. But other shores make a great difficulty about receiving them, after we have labelled them as unfit for use at home! If we had sent them off first, well and good; but that fatal label stands between them and any sort of welcome. Keep them we must; mend them if we can; tolerate them somehow. Moreover, after all, they are of our blood, of our race; and if they influence for mischief, it is our streets, our houses, that suffer. This question, says Miss Carpenter, is one that belongs to the whole people, men and women alike.

It behoves us first to consider what, or rather who, the convicts are. They cannot be classified by their nominal crimes. Burglary, for instance, may be committed by a determined and murderous house-breaker or by a little child of ten years old, who made her way into a neighbour’s house to supply her neglected wants. Robbery from the

\* Our Convicts. By Mary Carpenter. Longmans.



person may be perpetrated by a garotter or by a wee pickpocket practising his lessons ! We must, therefore, take some other method of classification, and in the next place try to form some idea of how persons arrive at the degree of hardened vice disclosed in the course of such an investigation.

Into these questions Miss Carpenter has gone with great thoroughness, and though it is almost impossible to give anything like an analysis of such a book in a few pages, certain results may be given, which, after perusal, stand out prominently in the memory. In the first place, then, the great majority of convicts are people who have been trained, as it were, in a long course of vice, who have received imprisonments in the police-courts, and have so gone on from bad to worse, as the saying is. The *accidental* convicts, those who have yielded to some sudden and disastrous temptation, are comparatively few. This of course tells powerfully on the Reformatory question. Here, as elsewhere, it is the stitch in time that saves nine ; the rescuing of the child before he has had time to grow up into a bad man, that demands all our efforts. And of the *female* portion of these habitual convicts there are some very curious facts to be stated, strongly brought out by Miss Carpenter in the fourth chapter of her second volume. Bad women come from a lower class than bad men. Convict-women "usually spring from a portion of society quite cut off from intercourse with that in which exists any self-respect, and they are entirely lost to shame or reputation. During an acquaintance for more than a quarter of a century with two or three hundred families of the labouring class, some of them very low in character, and living in the worst parts of a crowded city," Miss Carpenter "never had a case before her of a woman being even brought before the magistrates, still less sent to prison. And during sixteen years of acquaintance, extended to the very lowest families that could be brought under the notice of the city missionary or the master of a ragged school, only one case of a woman being in prison has ever been heard of among them." "Where, then, do they come from?" the reader will exclaim. Why, from a lower depth still—a pariah-class which "exists in our state as something fearfully rotten and polluted." The girls in a reformatory are not unfrequently found to have mothers in prison ; and these poor girls had thus sprung up, "cut off from all Christian or civilised influences, as if they had been born in a heathen country."

Curious differences from the rest of their sex are to be noted in these unhappy ones. Without discussing the comparative intellectual powers of adults of the two sexes, Miss Carpenter, being greatly experienced in education, declares that, as a rule, the girls of the upper class are quicker than the boys, their intellects "develop more rapidly." In good schools for the labouring class the boys and girls are on an equality ; "but in the lowest class, that below the boundary-line which the decent poor never willingly pass, the girls do not in general display the slightest interest in learning, and it is indeed extremely difficult to incite them to any degree of mental application, while boys of the same class, and even of the same family, readily receive it, and

show positive pleasure in the culture of their minds." Thus, if the girl has been born into bad moral influences, the bright and sensitive faculties inherent in her sex are almost utterly stupified. Nor is this all; a woman of the lowest grade is usually so violently excitable, and so given to duplicity and untruth, "as to render all attempts at improvement peculiarly difficult." Reformation in female drunkards is so rare, that a person who had had large experience in the temperance cause said he had never known a case! It is, therefore, doubly necessary to try and get hold of the girls of this wretched class; for after they are grown up it is next to impossible to do anything with them.

After the analysis of the *material* of the convict-classes, the greater part of the volumes under consideration are devoted to a consideration of the English and Irish systems of punishment and reformation, with a strong and, we fully believe, justifiable leaning towards the plans developed by Sir Walter Crofton and his colleagues. "The enormous defects" of the English system are not only considered by Miss Carpenter to be patent upon examination, but she declares that they are recognised abroad. In a recent work by Bonneville de Marsangy, entitled "*De l'Amélioration de la Loi Criminelle*," the author speaks of the insufficiency and uncertainty of the penal servitude now substituted for transportation, and of the deplorable working of the system of tickets of leave. The convicts' prison, after deducting the value of the prisoners' labour, costs the country above 220,000*l.* a year!—a sum which, "enormous as it is, would be well employed did the system succeed—were our convicts reformed." But they are turned out rather worse than they went in; and the prisons themselves are infested by an undercurrent of a rebellious spirit—a "bad public opinion," which is "fostered by the constant quiet communication of thoughts and plans unfit for the ears of officers," and which keep the establishments on the constant verge of mutiny, such as that which actually broke out last year at Portland. Indeed, Miss Carpenter somewhat satirically remarks, that the mutineers, four or five of whom were shot, but not seriously injured, in the course of the disturbance, were criminals imagined by the authorities to be in the way of reformation, and that most of them were probably "exemplary" prisoners, with a daily mark of "very good."

Of the Female Convict Prisons our authoress gives no better report. Few, she says, will hesitate to acknowledge that the system fails in any reformatory effect! She fully endorses the pictures of frantic violence so vividly portrayed in the graphic pages of the "*Prison Matron*," and considers that a larger staff of female officers is needed for efficient control. The rotation of the three prisons is not regular: *all* female convicts go first to Millbank and then to Brixton, after which a proportion pass on to Fulham; but their removal to the latter and more lenient establishment depends rather on convenience and circumstances, called the "exigencies of the service," than on a settled principle and on their conduct and diligence. Again, much more active employment is needed: a large proportion of prisoners at Millbank and Brixton have no active occupation, "nothing whereby they may learn habits of dili-

gence, and acquire the means of obtaining an honest livelihood when their term of imprisonment expires." Indeed, Miss Carpenter says that she cannot wonder (and from her this is indeed an admission!) at the unwillingness of the public to take these women into their houses upon discharge, however well they may have submitted themselves to the discipline required while in prison.

What measures should be taken to make these establishments really places of reformation are considered at length in the second volume. Steady discipline in the penal stage, which can only be insured by a sufficient staff of able officials, and, secondly, the adoption of the Mark System, by which the women should, from the very first, be made clearly to understand that their future prospects depend on themselves alone, in conformity with strict justice, are the first requisites noticed; then full and active employment, an endeavour to establish a good personal influence over the women, and considerable attention to intellectual culture. Male warders should be called in as little as possible, as they are found to produce intense exasperation. No desire of economy should be allowed to affect the working of these plans; for the cost to society of a wicked woman is such, that it is always cheaper to reclaim her at almost any price. She influences so many, in whatever circle she may move, bringing up her children to vice, and thus flinging them upon the resources of the country, that she must be considered not only as an individual sinner to be reclaimed, but as a public pest to be neutralised.

Into the question of the Irish System Miss Carpenter enters at great length. How it was established in 1853-4, Sir Walter Crofton being chairman of the Directors of Convict Prisons in Ireland, the state of such prisons being at that time "as deplorable as it is possible to conceive, the prisoners being morally and physically prostrate in every way"—how Sir Walter and the other gentlemen working with him (notably Mr. John Lentaigue and Mr. P. J. Murray) gradually changed the whole face of things, triumphantly surmounted all difficulties, including those arising from the divided religious opinions of the island, and produced an admirable reform—will be found in the first half of Miss Carpenter's second volume. The main principles are a very rigid discipline in the first or penal stage of imprisonment, and intermediate establishments where greater liberty is allowed, and the prisoners have the power of earning ameliorations of their condition, followed by a system of licences which are revoked with the greatest strictness when the terms of them are violated in the slightest degree. Mr. Ryan, the practical supervisor of these licences, calls the prison under this system a kind of moral hospital.

We will conclude by saying, that in France, Germany, Prussia, Belgium, and Italy the Irish System has long attracted attention. Count Cavour had entered fully into its merits, and was about to have it adopted in his country when he was frustrated by death. It is based on a true appreciation of the fundamental principles of human nature. A severe "*Thou shalt not*," with its accompanying penalties, forms its foundation; and to this is superadded the lawful incentives



and rewards applicable to the criminal who really desires to reform. It is the same system which, in reality, we apply in all education. The criminal is the larger edition of the wilful child. We do not huddle our naughty children together in an indiscriminate mass, to get better or not, as they may; we separate them, punish them, scold them, and then train, encourage, and reward them. Such is the plan we must pursue with the adult man and woman, if we expect to succeed. Problems which the common sense of humanity easily decides in a small domestic sphere, can only be solved on a large scale by applying the experience thus gained; for the worst of criminals was not long ago but a little child, and we have a household proverb which assures us that "the child is father to the man."

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#### ON ALCOHOLIC BEVERAGES.\*

**T**HERE is perhaps no question likely to be more productive of good than that which has recently been raised by various public writers on the physiological action of alcohol. It has been too much the custom, in discussing the question of the action of alcoholic beverages, to take it for granted, on the one hand, that they must altogether be injurious to health or, on the other hand, to regard this assertion as the dictum of those who are enthusiasts in propagating the views of a particular sect. The fact is, alcohol has played too important a part in the history of mankind to be dismissed from society on any but the most sufficient grounds, and is so potent an agent for evil that all who would retain it should thoroughly understand the grounds on which they would uphold its use. The nature of the action of alcohol is not, however, to be solved by asking such questions as "Is it a food?" or "Is it a poison?" Of course it is a food, if you define "food" so as to admit it, and a poison, if you define "poison" so as to admit it; so are salt, and tea, and mustard, and pepper. This is a mere quibble about words, and it certainly does seem to us strange that any question should be raised by men calling themselves scientific on such questions. Suppose that you assert that a substance which is taken into the body and passes out again without being changed is not a food; and as alcohol does this, it is not a food. The same may be said of water. Then, say the arguers, water is not a food; and what have they got by that? If water is not a food, we cannot do without it; and it may be the same with alcohol. Then we are told that alcohol is a poison, which water is not. But if alcohol is a poison in large quantities, that is no reason it should be in small ones. Chloride of sodium and potassium will kill in large quantities, but the body must have them in small quantities; and the argument, as originally advanced by Dr. Carpenter, will not bear the test of experience. Alcohol may

\* The Physiological Action of Alcohol. By Henry Munroe, M.D., F.L.S. London: Pitman.

The Vine and its Fruit. By James L. Denman. London: Longmans.

Report on Cheap Wine. By Robert Druitt, M.R.C.P.L. London: Renshaw.

therefore be a poison and not a food, and yet be taken in small quantities into the system with advantage. Dr. Munroe endeavours to show, by experiments out of the body, that alcohol arrests the digestive process. He says: "Were I to mix some bread and meat with gastric juice, and place them in a phial, and keep that phial in a sand-bath at the slow heat of 98 degrees, occasionally shaking briskly the contents to imitate the motion of the stomach, I should find, after six or eight hours, the whole contents blended into one pultaceous mass. If to another phial of food and gastric juice treated in the same way I add a glass of pale ale or a quantity of alcohol, at the end of seven or eight hours, or even some days, the food will be found to be scarcely acted on at all." From this experiment, Dr. Munroe infers that the same process goes on in the stomach as goes on in his glass phial; but he should recollect that nearly all the conditions are different in the living stomach to what they are in a glass phial, and that experience shows that no such changes take place where moderate quantities of wine or beer are drunk as he describes to take place in his phial. It is perfect nonsense to suppose that food, if utterly unacted on, would remain for "some days" in the stomach. If the injurious effects of alcohol cannot be supported by better physiological experiments than this, experiment had better not be appealed to at all. But this is the kind of argument that is employed to lead people into the belief that alcohol in any form as a beverage is injurious to health. All physiologists are agreed that the excessive drinking of alcohol is injurious, and that, of all the vices of English life, this is one that is most degrading and disgraceful to us as a nation. Every well-wisher to his country must therefore wish that his countrymen should fully understand in what consists excess, and where the line is to be drawn between temperance and excess. No one can for a moment suppose that a substance which has been so universally taken by mankind, which has the sanction of the customs of Judaism and Christianity, and of which the great majority of civilised nations partake with thankfulness to the divine Giver of all good, can be for one moment an unredeemable curse. In the face of these great facts, however much we may admire the self-denial of those who give up the use of a good which others abuse, we are anxious to discuss the question of the use of alcohol on the grounds of temperance rather than those of abstinence.

Now the three forms in which alcohol are taken are those of beer, spirits, and wines. Of these three it has been shown that ardent spirits are by far the most dangerous. To refer to Dr. Munroe's experiment, that alcohol would arrest artificial digestion much sooner in the form of spirit than in the form of beer and wine, the fact is, alcohol does harm to the living tissues of the body in proportion to the purity or strength with which it is applied to the tissues. It is the drinker of drams that first suffers in health, then comes the drinker of grog, and following after come the drinkers of wine and beer. If we could abolish the drinking of whisky, gin, rum, and brandy, we should get rid of three-fourths of the evils of intemperance. Beer and wines injure directly in proportion to the quantities of alcohol they contain, and the "generous"

wines of Portugal and Spain, and the "sound ales" of England, follow in order the destructive influences of ardent spirits. It is then, we believe, a matter of the greatest importance that the public should be got to recognise the danger of these beverages. We think that, even medicinally, ardent spirits are seldom required, and that the excuse for drinking them, on the ground of the unwholesomeness of wines and beers, is not a justifiable one. The habitual use of ardent spirits, even in small quantities, cannot but act injuriously on the system. The same may be said of strong beers; and this not so much on the ground of the action of the alcohol they contain, as on that of the quantities in which they are drunk. Beers containing two ounces or two ounces and a half of pure alcohol to the pint are habitually drunk by large classes of the community for the purpose of quenching thirst, and thus a man who drinks two or three pints of beer will take from four to six ounces of pure alcohol in the course of the day. This is a quantity that cannot be taken for any length of time with impunity. Death may not ensue, but all the untold miseries of alcoholism will occur. The only beers that ought to be tolerated for quenching thirst are those containing not more than half an ounce of alcohol in the pint. Stronger beers should be drunk as wines.

Of wines there are especially two kinds known in this country—the strong wines of Spain and Portugal, and their imitations, known as port and sherry, and the lighter wines of France, Germany, Hungary, and Greece. Those who wish to obtain accurate information on the nature, properties, and composition of these wines, cannot do better than consult the works of Dr. Druitt and Mr. Denman. We wish here only to call attention to the fact that port, sherry, and madeira are strong wines, containing not only the alcohol produced by fermentation, but a certain quantity of alcohol added in the shape of brandy to "fortify" the wine. In order to modify the effect of the brandy thus added, on the palate, a certain quantity of sugar or must is added. Thus these wines are both sweet and strong. They are, in fact, not wines at all, but liqueurs. The analyses of Brande, Mulder, and Bence Jones all show that these wines contain from 20 to 25 per cent. of alcohol, or at least four to five ounces in the pint. We need not here dwell on the injurious effects of the sugar in these wines, which exists in a condition that renders it peculiarly liable to produce disastrous effects on the stomach and blood; but we would call attention to the large quantity of alcohol, which cannot but render them liable to the same objections that have been brought against ardent spirits. It is much to be lamented that the fiscal system prevailing in this country for many years has encouraged the people of England to buy these strong and sweet wines rather than the lighter wines of other parts of the Continent. The consequence has been, that so ingrained has become the vice of drinking ports and sherries, the consumption of all other wines is a mere fraction, as compared with that of these strong and pernicious beverages. Happily for us, the present Chancellor of the Exchequer has introduced such changes in the import duties on wines, that the lighter wines of Germany, France, and other countries can now be



obtained at prices consistent with the quantity of alcohol they contain. Clarets, hocks and the wines of Hungary and Greece do not generally contain more than from two ounces to two ounces and a half of alcohol in the pint. They are most of them free from sugar, and on both these accounts are to be commended in preference to the stronger wines.

Besides alcohol and sugar, wines contain tartaric acid and the compounds which constitute their flavour, or bouquet. Although the lighter wines do not contain more acid than the stronger, they taste more acid, because of their containing little or no sugar. It is, then, a vulgar error to suppose those wines are more acid than port or sherry. With regard to bouquet, ports and sherries cannot compare with the wines of Germany, Hungary, or Greece; but it is this very deficiency that gives them a preference amongst English people. A taste for the bouquet of wines, like that of other flavours, must be acquired, and the palates accustomed to the fiery wines of Spain and Portugal cannot appreciate the delicate aromas of the lighter wines. The taste for these lighter wines may, however, be cultivated, and in the course of a few weeks the delicious bouquets of the wines of Hungary and Greece may be acquired; and persons thus educated will hardly return to the practice of taking the sweet and exciting flavour of ports and sherries. We think, then, that where persons are in the habit of taking wine, a more healthful change could hardly be adopted than that of taking the lighter instead of the stronger wines.

We would not here pretend to indicate which of the lighter wines should be taken. The two books we have named contain a vast amount of information on the growth and composition of the various wines now to be obtained in the English market. An extended knowledge already exists as to the properties of French and German wines, and those seeking further enlightenment will turn with interest to those chapters in these volumes which treat more especially of Hungarian and Greek wines. Amongst the latter are wines having all the good properties, and none of the bad, of the strongest wines, and which can be purchased at a price that will put them in possession of the humblest drinkers of wine. We could not say that such wines cannot be taken to excess, but we feel quite sure that excess is very much less likely to take place in drinking those wines than any form of port and sherry that can be put upon the table. If, then, light wines were more generally used by the upper and middle classes, they would lose their taste for spirits and strong beer, and one effect of their bad example upon the poor would be removed. Intemperance, although unhappily too frequent, is not the besetting sin of the nations that produce light wines. This sin is the offspring more especially of the taste for spirits, strong wines, and strong beers. Let those who cannot see their way to joining the teetotallers in attempting to banish alcohol from civilisation, do what they can to encourage a taste for drinking those beverages against which there is the least evidence of injury, and the cultivation of a general taste for which, if it does not entirely banish intemperance, will at least diminish the evils which arise from taking strong drinks.

## PERILS OF OUR COUNTRY.\*

THEY say, if a man would know his faults, he should have very bitter enemies or very true friends. The same is true of countries. England has very bitter enemies; and she would do well to listen more to what they have to say, if she wish to know her real faults. Of the two, this is the least pleasant way of getting to know one's fault; and, thanks to her sons, England has devoted friends, who would feel themselves unworthy of their country if they did not expose her faults. Such a one is the "London Physician." Wherever a love of the truth is appreciated, and high-minded purposes are to be carried out with earnestness and self-denial, the author of this book is well known by his right name. As he has concealed it in this volume, we will not lift the veil his own modesty has drawn. But we can conscientiously call attention to this book as one that every Englishman wishing to leave his country better than he found it should peruse. We do not agree with everything in the book; but there is so much that is good, so much that is hearty, outspoken, and honest in it, that we commend it most cordially. It consists of a series of short essays, never wearying, on such subjects as Beggars and Thieves; Charities and their Abuses; Paupers and Poor-laws; the Waste of Resources in Men, Money, Time, and Material; but especially on the mean, disloyal, and pernicious vice of indiscriminate Alms-giving. Under these heads the author discourses with much eloquence on the evils of England, and concludes by saying, "The upshot and meaning of the whole matter is this, that England has systematically and perseveringly fostered idleness, and discouraged industry; that she has picked the pockets of the industrious to sustain all sorts of worthless vagabonds in filthy luxury; that she adopts every form of injurious contrivance for exhausting the labour-fund, and that she has put herself in the false position of palliating the evils she should have prevented." The doctor thinks it necessary to add that, after all, he is a devout believer in the English Constitution and the Established Church.

## BRIEF NOTICES OF BOOKS AND PAPERS.

*A Handy-Book of Sanitary Law.* By MARTIN WARE, JUN., Esq., Barrister-at-Law. London: Bell and Daldy.

In 1864, the Society of Arts appointed a committee for the purpose of considering the best means of improving the dwellings of the labouring classes. In their report the committee say: "Whatever progress may be made in building or adapting houses by individuals or societies, the great mass of the labouring population, for many years to come, must necessarily live in very crowded neighbourhoods, in houses now existing, and not originally adapted to contain several families under one roof. It is, therefore, of the first importance that the owners of existing houses, inhabited by the poor, should be obliged to provide those sanitary appliances which are required for the preservation of the health of their tenants, and to check, when it occurs, the progress of infectious disease. Long experience has shown that nothing but constant inspection and compulsory measures will meet the carelessness and cupidity of the

\* *The Evils of England, Social and Economical.* By a London Physician. London: Renshaw.



owners of this kind of property. The present sanitary laws are comprehensive, and, on the whole, efficient, although there are some particulars in which the committee think they require amendment, especially with relation to the inspection of houses let to lodgers, but not now subject to the provisions of the Common Lodging Houses Act. The provisions of the sanitary acts are not, however, sufficiently known, nor do those who are qualified by intelligence and position to attend to the sanitary condition of their own neighbourhood interest themselves as much as could be desired in seeing that the powers of the law are put in execution." We cannot endorse the statement of the committee, that our "present sanitary laws are comprehensive," or that they are even, "on the whole, efficient." We have, undoubtedly, a great many sanitary laws, and our legislation on the subject constitutes a patchwork which we think any one who knows the requirements of society would rather think disgraceful than otherwise. We have, however, laws, and it is well they should be known; and the little book before us presents, in a condensed form and at a very low price, the principal features of these laws. Should any one, however, expect to do much good by the aid of these laws, they will speedily find their mistake when they discover that the authorities to put them in force are county magistrates, members of vestries, and boards of guardians. What we really want is the power of speedily and easily carrying our sanitary needs into the higher courts, where decisions can be obtained which cannot be set at nought, and which are delivered according to the principles of the common law of England. Our local courts and jurisdictions are often mere mockeries, as those who are practically engaged in the work of sanitary reform can testify. These remarks may appear severe, but they apply to nearly every section under which Mr. Ware has referred to our present sanitary acts. Take the very best clause of an act to which he refers. He says, "The vaccination of the poor is provided for and enforced by the 16 & 17 Vict., c. 100." This act is notoriously evaded; little or no provision is made in any parish in London for vaccination, and at the present moment there is growing up amongst us a rich harvest of unvaccinated children for the next epidemic of small-pox—and this, too, in the country that gave birth to Jenner and the discovery of vaccination. The fact is, our sanitary laws give authority to persons who are utterly careless or ignorant of the way of carrying them out, and thus are comparatively useless.

*Report of the Meeting of the British Association at Birmingham, 1865.* London: Hardwicke.

The proceedings of the meetings of our great peripatetic associations are at the present day sufficiently well reported in the newspapers to give a general idea of what is going on; and the more solid volume of Transactions is a permanent record of all the papers and addresses delivered. Between these two, there seems to be hardly room for a third account of the proceedings of these meetings. Mr. Hardwicke's publication undoubtedly combines the advantages of both. It contains abstracts of all the papers read, and also accounts of the discussions. These are much superior to the hurried newspaper and imperfect journalistic reports, as they have all been revised by the authors and speakers, and are most carefully edited. To those, then, who have not lost their interest in the proceedings of the Association, and are anxious to collect the opinions of those who joined in the discussions (and which are frequently more important than those of the authors of the papers), this Report will be a very acceptable addition to their library-table. The volume is neatly got up, and is sold at a very low price, and adapted for circulation and perusal amongst those who are sufficiently critical to detect the errors of newspaper reports, and who are not in a position to have access to the heavier volumes of the Transactions of the Association.

*Suggestions for the Establishment of Friendly Societies on Sound Principles.* By TIDD PRATT.

The name of the author of this pamphlet is a sufficient guarantee of the value of its contents. It contains tables of what the payments in any club or association ought to be, in order to obtain certain returns in case of sickness. It also gives an account of the Government Assurance and Annuity schemes, and is just the authority which every person should consult who is interested in the permanence and welfare of benefit-clubs, or the encouragement of thrift amongst the working-classes.



## MONTHLY CHRONICLE.

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**The Trial of Mr. Gordon.**—"We do not think that we owe any apology to our readers for drawing their attention to one of the gravest constitutional questions which could arise in the present day, viz., the limit of military authority in times of civil disturbance. We believe that the nature and operation of 'martial law' is much misunderstood, and that the law of this land is in danger of being overridden, at least in our dependencies, by practically arbitrary authority; and we therefore desire and consider it to be our duty as a legal journal to call attention, as prominently as we can, to what the law of England is on the subject. It is because the trial of Gordon raises this question in a distinct form that we have given it so prominent a place in our columns. We have said, and we repeat it, that the execution of a man guilty of high treason, by virtue of the sentence of a military tribunal, is murder by the law of England, unless the man was actually taken in arms, and even then, if it was possible to try him in the king's courts; and as Lord Coke says the same thing (3 Inst.), we do not feel disposed to retract a word of it. We have said, and we repeat it, that the judicial murder of a British subject, however justly he may have merited his fate, is of greater import than the horrors of the Indian mutiny itself; for the one are but the atrocities of a lawless mob, the other is the inroad of the executive power upon the province of the law. In what respects these sentiments are inconsistent with our independence of party politics, we cannot see. There is now, we believe, no party in England which holds the Crown to be above the law; but, if there be, we are politically opposed to that party."—*Solicitors' Journal*.

**Street Accidents.**—The Registrar-General, in his weekly bills of mortality, has now for some months called attention to the frequency of deaths from horse-and-carriage accidents in the streets of the metropolis. The number of cases of death from this cause is on an average about six in the week, or three hundred in the year. When death occurs in one case, it is not too much to suppose that twenty cases of injury, entailing great pain and suffering, occur where death does not take place. By looking at the question from this point of view, an estimate may be formed of the loss to the community from this source of danger alone. The question that at once must arise is, Can any of this mortality and suffering be prevented? The only way of answering this question is to inquire into the causes of each particular accident. An inquiry into the causes of the deaths, which are all investigated by the Coroner's Court, would be the best guide; but this could only be done by obtaining a joint report on the subject from the coroners of London. Dr. Lankester, in his second annual report, after stating that he had held fifty-one inquests in the district of central Middlesex on persons run over in the streets, suggests that "a stringent law with regard to the rate at which vehicles should drive over passenger-crossings and round corners would be of service." He adds, "it will be found that one-half of these accidents occur to persons

above forty, and a larger number happen to persons above sixty than at any decennial period below that age." A proposal has been made in the Common Council of the City of London to erect foot-passenger bridges along the most crowded streets of the city. At the last Middlesex sessions, the grand jury made the following presentment: "The case of William Belcher, in which we have returned a true bill for feloniously killing and slaying a poor old woman while crossing a street, induces us to represent the extreme danger to foot-passengers in London by the fast and reckless driving of tradesmen's carts, vans, cabs, omnibuses, &c., and the urgent necessity of some greater security and facility to foot-passengers than now exist. We do not advocate so much increased severity of punishment, as preventive measures by municipal and police ordinance; and we do most earnestly deprecate the prevailing idea of drivers of public and private vehicles generally, that foot-passengers are allowed to cross the streets by sufferance only, and not by right."—THOS. H. FURZE, Foreman, &c. On this paper having been read, there was a murmur of approbation in court; and the learned judge, addressing the grand jury, said that the portion of the country included within the extensive jurisdiction of that court were very much indebted to them for the duties which they had performed. "With respect to their presentment, the metropolis was more especially indebted to them. The last session, a cabman was tried and convicted of manslaughter before him; and it was a lamentable fact that such cases were occurring every day. He agreed with them, that the case to which they referred was a signal instance of danger to foot-passengers. He trusted that that presentment would receive due weight in the proper quarter." The widening smaller streets, the removal of obstructions in streets, such as those which exist in Leather-lane, and the opening up lateral communication between our great thoroughfares, would all have a tendency to reduce that crowding of vehicles which is now so frequent a source of danger. Eliminating, however, the cases which might be prevented by public action, there would still be left a large number due to the unprotected manner in which children are allowed to play in the streets, and the thoughtlessness with which a large number of persons place themselves in the way of danger.

**Competitive Examinations in the Police Service.**—Sir R. Mayne, the Chief Commissioner of Metropolitan Police, has just issued an order as a test to ascertain the educational qualifications of the police, who by promotion to higher ranks will be entrusted with more responsible duties and greater powers than they have hitherto possessed. In future, constables who are candidates for sergeants will have to undergo an examination, (1) in reading, (2) in writing from dictation, (3) writing a report of circumstances of any supposed accident or occurrence, (4) in numeration and notation and compound addition. Sergeants seeking promotion to inspectors, in addition to the above first two subjects, will also be subjected to (1) an examination in writing a report of cases on which directions are given to a sergeant or constable, stating what the directions are, (2) in ordinary English composition, including punctuation, (3) in the first four rules of arithmetic, reduction, and proportion,

and (4) a supposed statement of facts will be made on which a charge may be received or refused; the sergeant to receive and enter same on a charge-sheet, or refuse to receive the charge (according to his judgment), and enter the same on refusal charge-sheet. For the still higher grade of promotion from inspector to superintendent, candidates will have to pass an examination in the first four subjects above enumerated, and to furnish examples of special reports connected with the duties of superintendent. In order to facilitate the members in acquiring a knowledge of the subjects named, educational classes have been established in the several divisions of the force.

**Removal of St. Paul's School.**—It is announced that the Mercers' Company have taken into consideration the question of removing the site of their school from St. Paul's-churchyard into some suburban district. There are many reasons why such a place as this is most desirable. In the first place, the present position of the school is so valuable for business purposes, that what it would fetch would not only build a school in a more healthy situation, with all the comforts and conveniences which a modern school-house ought to possess, but would afford an ample sum out of which to board and lodge the number of boys who are at present educated there. In the next place, the present school is most inconveniently situated for the boys who are educated here, the parents of most of the boys living in the suburbs of London, and having to send them into the city by rail or other conveyances. Another objection to the present site is, that it is situated in the midst of the smoke of London, which must act injuriously on the health of boys from ten to sixteen years of age. The absence of a playground—or any place in which the boys can take healthful exercise, or enjoy those sports which are characteristic of English youth—is a serious drawback to this great school, and has in many instances led to the permanent ill-health of the scholars. For these and other reasons, it must be a source of great satisfaction to those who take an interest in our public schools to find that the Mercers' Company are seriously contemplating a removal of the school committed to their trust by Dean Colet, the founder.

**Fine for Refusing to have a Child Vaccinated.**—The magistrates of Bowness have displayed a very proper appreciation of the importance of vaccination, by fining a medical man—Dr. Spencer Hall—for refusing to have his child vaccinated. The question came before the Kendal Board of Guardians in September last, when it was decided to allow Dr. Hall three months to reconsider his objection to have the operation performed, he having stated at length, in a letter to the chairman, his reason for that objection. Dr. Hall admitted the charge, but asked the indulgence of the bench while explaining his position. It was not to vaccination proper that he had so much objection. He believed that in some cases it was a preventive of small-pox; and even after being fined, as he was aware he must be, if, when the Rinderpest was over, he could be directed to a cow having the genuine pock, yet in all other respects healthy, he would get some of the lymph and have it applied. If



medical men can be found to object to this sanitary operation, it is not to be wondered that the ignorant or half-learned should be led away. It appears that Dr. Hall holds that other diseases can be introduced into the system with the cow-pox. This has been over and over again shown to be a fallacy, and there is not a single fact on record to show that any other disease than cow-pox can be conveyed by matter from a cow-pox vesicle. It is true that in some cases vesicles produced by other specific diseases have been mistaken for cow-pox vesicles, and thus other diseases have been propagated; but it is as contrary to all experience and analogy that cow-pox should produce any other disease as that an acorn should produce any other tree than an oak.

**Sanitary Condition of Leeds.**—The *Leeds Mercury* publishes the report of Dr. Hunter, who was sent down by the Privy Council, about three months ago, to investigate the sanitary condition of this town. The report enters into details which can hardly be reprinted, showing a state of things to exist with regard to provision for cleanliness and decency which would not have been supposed possible in one of the largest and most flourishing of English towns. The *Mercury*, commenting on these disclosures, observes, "It is known that the Town Council of Leeds has had possession of a copy of the report for some time, and, after discussing its contents with closed doors, resolved upon preparing a reply to its startling statements before making it public. But, while the corporation has been hesitating, others have also got possession of the document; and it is therefore useless longer to keep back its publicity, even until to-morrow, when it is expected the corporation will finally decide upon the reply to be given to it. If the report be correct, the Town Council has much to answer for. The complaints of its shortcomings, as regards care for the public health, are dealt out in so wholesale a way that it can scarcely be surprising that a body whose conduct is so damagingly commented upon should require time to recover breath before it is prepared to refute the grave charge of negligence alleged against it." We trust that the death-rates of some of our large towns, which are now published weekly by the Registrar-General, will induce the Government to make inquiries into their condition. However expensive sanitary improvements may be, our town councils and vestries must be taught that death and disease are much more expensive, and that the Government will no longer allow them to indulge in the luxury of dirt and filth at the expense of the lives of their fellow-creatures.

**Mortality of Cities in the United Kingdom in November.**—During the four weeks of the month of November, the following were the rates of mortality per annum of eleven of the largest cities and towns in the empire: London, 25 in the 1000; Edinburgh, 32 in the 1000; Dublin, 25 in the 1000; Liverpool, 41 in the 1000; Manchester, 37 in the 1000; Salford, 36 in the 1000; Birmingham, 25 in the 1000; Leeds, 30 in the 1000; Bristol, 23 in the 1000; Hull, 27 in the 1000; Glasgow, 35 in the 1000. Some of these rates are alarmingly high, and the attention of the authorities ought to be drawn to them.

**The Vestries and the Government.**—The following letter has dropped like a bomb-shell on the vestries of the metropolis: "Whitehall, 31st October, 1865.—Sir,—I am directed by Secretary Sir George Grey to request that you will call the attention of the Metropolitan Board of Works to the debate in the House of Commons on the 13th of June last, on the motion of Sir William Fraser, for the appointment of a commission to inquire into the operation of the Act 18 and 19 Vict., cap. 120, so far as relates to the paving, lighting, and cleansing of the metropolis (Hansard's Parliamentary Debates, vol. 180, part I., page 132); and that you will move the board to favour Sir George Grey with any observations and suggestions which they may wish to make on the subject of the proposed consolidation of district municipal boards in the metropolis.—I have, &c. (signed), T. G. BARING. The Chairman of the Metropolitan Board of Works, &c., &c." Several of the metropolitan boards have held meetings, and repudiated the notion of giving up their powers to any other authority. The Metropolitan Board have also declined the compliment of being called on to manage the matters referred to in Sir George Grey's letter. The fact is, in London we want something like simplification. Its numerous boards interfere with each other, and one will not initiate a right course of action because its neighbours will not unite with it. It is on this account that London is the worst-managed metropolis in Europe. There is no definite plan of action; what is law in one place is not in another. Men may do a thing with impunity in one parish which they may not in another. Even the metropolitan area is a nuisance. London stretches itself on all sides; and beyond the limits of a certain parish-boundary things may be done which cannot on the other. Thus in Willesden, which is on one side of a road and Paddington on the other, builders may do as they like, because there is no district surveyor in Willesden, which is beyond the metropolitan area, whilst Paddington is within it, and a district surveyor sees that builders do not run up buildings just as they like. It is the same with lighting. Whilst thinly populated districts are well lighted in the metropolitan area, districts thickly populated beyond the area are not allowed the luxury of gas, because the gas-companies of London are not allowed to light beyond the metropolitan area. So it is with traffic: the rules that ought to be put in force with regard to its regulation are neglected in one district because they are not put in force in another. We trust the City of London will have courage enough to carry out their new regulations in this respect, as it will undoubtedly have a salutary effect on the rest of the metropolis.

**Metropolitan Improvements.**—Among the mass of private bills that await the consideration of the new Parliament are the following: The Board of Works has taken the field with renewed energy. Middle-row, Holborn, is to be removed; the Burdett-road, Finsbury, the Commercial-road, Whitechapel, the High-street, Kensington, are all to be improved. Park-lane will cease to be a standing reproach to the board; for it is to be widened to an extent that will not only accommodate its traffic, but make it one of the finest main thoroughfares in London. The new street to the Mansion-house is to be proceeded with. Two new and magnificent approaches are to be made to the Thames Em-



bankment—one passing over the site of Northumberland House, and giving a wide prospect from the corner of the Haymarket right across the river; the other, equally spacious, from the corner of Wellington-street on to the Embankment at the foot of Cecil-street. A magnificent crescent is to be built along the Embankment, stretching from Hungerford to Waterloo Bridge. Preliminary steps are to be taken for embanking the south side of the Thames, and on the north the Embankment is to be continued from what is called “Mr. Cubitt’s-road” up to Chelsea. A large number of applications to form new railways will also come before Parliament. Such plans in nearly every case contemplate the public welfare, and it is to be hoped that the interested opposition of individuals, who imagine their welfare interfered with, will not prevent Parliament from sanctioning these most important proposals.

**Ozone.**—Dr. Allnatt has communicated the following remarks on ozone to the *Times* newspaper:—During the past month there has been a manifest diminution of atmospheric ozone. On three days only has the *maximum*, or 10 deg. of Schönbein’s scale, been attained. To-day, however, both my exposed ozonoscopes are at a *maximum*. Yesterday the test stood at 4, which is very low in this elevated and comparatively uncontaminated atmosphere. In the original reports, soon after the discovery of ozone, it was stated that the extension of cholera was greatly facilitated by a diminution of elemental ozone. In 1855, at Strasbourg, the invasion of cholera coincided with a period of antozone, and the decline of the epidemic was accompanied by the return of ozone. If, as has been supposed, the proto-carburet of hydrogen is the vehicle which contains and distributes the poisonous germ or leaven of cholera, it would, *à priori*, be conformable to theory that ozone should combine with this carbonetted hydrogen and destroy it; and subsequent experiments have proved the fact. Ozone is, therefore, itself destroyed by the act of decomposing organic poisons. It would be interesting to learn, from carefully compiled statistics, the comparative degree of its manifestation in countries at present suffering from an invasion of pestilential cholera; and what diminution of ozone, if any, has occurred since the accession of the epidemic. It is a curious fact, that influenza, which in this country has sometimes preceded the cholera, should be so manifestly augmented by a superabundance of ozone as to lead certain pathologists to conclude that it is the very principle of this form of zymotic disease. A medical practitioner, in a recent report from Western Australia, states that diphtheria itself has been traced in certain districts to follow the course of an abnormally high manifestation of ozone. In hospitals, and in sick rooms in every dwelling-house occupied by cholera-patients, a factitious atmosphere of ozone should be constantly maintained. It may be produced with facility, modified as occasion requires, and a notable quantity maintained in every inhabited place within an affected district during a dearth of elemental ozone. Chemical ozone is produced by the following process:—Take a piece of clean phosphorus, about half an inch long, which has recently been carefully scraped; put it into a clean two-quart bottle, at a temperature of about 60 deg. Fahrenheit, with as much water as will half cover the phosphorus; close the mouth



slightly, so that if inflammation take place no harm may happen, and leave it. The formation of ozone will quickly occur; and its presence will be indicated by a luminous condition of the phosphorus and the ascent of a fountain-like column of semi-translucent vapour. In less than a minute the test will show ozone, in five or six hours it will be comparatively abundant, and then, the phosphorus being removed and the acids formed at the time washed out, the bottle may be closed, and the contents used for diffusion, when required. The air in its normal state contains one ten-thousandth part of ozone; when the proportion is raised to one two-thousandth part, it is sufficiently powerful to kill small animals and occasion death by suffocation. Its employment, therefore, will require skilful regulation.

**Improvement of Edinburgh.**—The newly elected Lord Provost of Edinburgh (Mr. William Chambers) recently made a statement to the Town Council, of the results of the inspection he had made of the closes and wynds of the old town since his election to the civic chair a few weeks ago, and of his proposals for the opening up and purifying the densely populated and poor districts. He proposed, first, that diagonal streets should be formed, cutting across the closes, as for example, from Nether-bow to under the North-bridge, from the top of Niddry-street to the foot of Pleasance, and so forth; also widening St. Mary's-wynd and other narrow streets of the lower old town. In the second place, he proposed that there should be broad passages opening from the High-street to the diagonal streets. He did not propose to break the prominent line of houses in the street, but would have communications by archways here and there through them. A third improvement would be to remove half-ruinous tenements, and form on the sites open courts paved with flag-stones. A fourth step would be the removal of wooden fronts from the older houses in the closes. Some of these wooden excrescences were upwards of three hundred years old, and were in a very frail condition; several were propped up by temporary beams, and were far from safe. In almost all cases they so overhung the close, as to leave only a narrow space at the top for daylight. In the ground-floors, the dwellings were dark even at noon-day, and the inhabitants might literally be said to live in the "Valley of the Shadow of Death." He had a confident expectation that these and some subsidiary operations would give a new character to the old town, without injuring its picturesque appearance. At present the death-rate in the districts mentioned was from 30 to 35 per 1000 of the population per annum, or nearly double what the rate was elsewhere. In all probability, the improvements now suggested would lower the death-rate one-third. Dr. Littlejohn, the officer of health, said that the lowering of the death-rate in the old town to 25 per thousand would effect an annual saving of 312 lives. What were to be the benefits in a moral and religious point of view he would not stop to particularise. A great deal was said about the amenity of the city; but he could not be diverted from his first object, which was sanitary improvement. Unlike the monstrous misexpenditure on the improvements of 1825, the improvements he now shadowed forth would be of a moderate and not very costly nature. As an addition to the general plan, he would have a new street in lieu of North

College-street, at once opening up the Industrial Museum (which had cost Government 50,000*l.*), while greatly improving the condition of the district south of the Cowgate. But, while they were destroying, it was pretty certain they must also build; and they must have due regard to the recent humane statute which prohibited a general destruction of dwellings for railways or other purposes, unless new houses be erected for the dispossessed inhabitants. His lordship then sketched his financial plan, namely, the purchase of old and building of new houses by the public or by private persons or associations going in with the scheme, and by a rate of a few pence per pound, extending over a series of six or seven years. The new houses to be erected must be neither of grand nor costly architecture, but houses for the middle and working-classes, of from 6*l.* to 12*l.* or 15*l.* annual rent. He proposed to procure statutory authority, in the session 1866-7, (1) to prevent the overcrowding of dwellings; (2) to exclude cow-houses from any part of the city, except under certain regulations and by licence of the magistrates; (3) to give the Town Council the entire charge of all streets, roads, and pavements within the bounds of the municipality; and (4) to restrain speculators from running up insufficient buildings. His lordship's scheme, which was very favourably received by the Council, was remitted to a committee, with powers to mature plans, and submit the whole matter at as early a date as possible to the public consideration.

**Death from Drunkenness.**—That men are killed straight off by drunkenness is a notorious fact, and that they are often killed in a state of intoxication is well known; further, whilst in this state they often kill and imperil the lives of others. There is, perhaps, no means of reaching these cases by the law where the drunkenness takes place in private houses; but it is a notorious fact that the large number of such cases are produced in public-houses. Now, the condition on which every publican obtains his licence is, that he shall not permit drunkenness on his premises; and he is answerable for any of his servants who may transgress this law, and sell to persons liquor who are in a state of intoxication. A correspondent supplies us with a case in which the Hampshire county magistrates inflicted a fine on a publican for allowing a man to be killed by drunkenness on his premises. The facts of the case are these: A man named Griffin went into the Anchor Inn, at Bosham, and whilst there he first drank a quantity of beer, and afterwards two quarterns of rum. The consequence was, that he slipped out of his chair on to the floor, and being taken into the garden, there died. After the case had been heard, "The chairman said that the magistrates were unanimously of opinion that the defendant was guilty of the offence. Had he exercised the proper amount of discretion, this sad and lamentable case would never have occurred. They could see no mitigating circumstances in the case, and therefore inflicted a penalty of 5*l.*, with the full costs, amounting to 2*l.* 11*s.* 6*d.*, or two months' hard labour. They refused the expenses of the witnesses for the prosecution, as they had given the particulars of this disgraceful affair in a most unsatisfactory manner. The fine was paid." On Wednesday, the 20th of December, Dr. Lankester held an inquest at Islington, on the body of a man named Fordham. This man



had been drinking at a public-house in the Caledonian-road, and went, intoxicated, at eleven o'clock at night, into the Edinburgh Castle public-house, and there had at least one quartern of rum. On going out of the public-house, he fell down on the pavement, and was deserted by his drinking-companions, and taken home by a benevolent working man and his wife. The next morning the man was found dead in his room. Similar cases are of constant occurrence. How is it the metropolitan police do not act in these cases? Our public-houses are of a Saturday night frequently scenes of bloodshed and violence, and no means are resorted to for keeping in check this plying with poison the poor labouring man, who is thus spending his week's wages, impoverishing his family, and destroying his body and soul. Surely those who will not become teetotallers for the sake of example, and will not give to ratepayers the right of licensing public-houses, are bound to do something to stem this tide of wickedness, and, if they are not prepared to legislate afresh, ought at least to see that the laws which exist, and can be made available, are put in force to punish offenders.

**Mr. Mill, M.P., on Municipalities for the Metropolis.**—The following letter from Mr. J. S. Mill, M.P., was read before the Parliamentary Committee of St. James's Vestry :—"Dec. 13, 1865. Dear Sir,—I have seen with great pleasure, in the newspapers, the movement which the St. James's Vestry has originated at your suggestion for the union of all London into one body for municipal purposes, with smaller bodies of the same sort for purposes special to each of the parliamentary divisions. I have long wished that an effort in this direction should be made. All the more important town-interests are common to the whole town, and can only be properly attended to by a body representative of the whole; and I quite agree with you that there should be but one such body, and that the functions (for instance) of the Board of Trade should merge into those of the united municipality. I also go entirely along with the proposal to abolish the jurisdiction of the Middlesex magistrates in the metropolis, and to have none but stipendiary magistrates. The only point on which I do not agree with the scheme as reported is the choice of magistrates by the citizens or the municipal body. The proposed corporation ought, of course, to have powers equal to those of other municipal corporations; but it seems to me that the choice of judicial officers is best placed, not with any corporation, but with a minister or great public functionary, who can be held responsible for making a proper choice. As a general rule, skilled professional officers are hardly ever well chosen by numbers; some one person must make it his business to find them and judge of their qualifications. I do not know if this view of the question has been under your consideration, or that of the vestry; but as I hope to aid in bringing your plan before Parliament, I am glad to begin already an interchange of sentiment with you on the subject.—I am, dear Sir, very truly yours, (signed) J. S. MILL. James Beal, Esq." Mr. Beal's views will be found in a separate paper in another part of our journal.



## PROCEEDINGS OF SOCIETIES.

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### METROPOLITAN SANITARY ASSOCIATION.

THE first conference meeting of this Association was held on the evening of Thursday, the 14th of December, 1865, at the Rooms of the Society of Arts, John-street, Adelphi. Thomas Chambers, Esq., M.P., Q.C., in the chair.

The learned Chairman, in opening the proceedings, said: Gentlemen, I have the honour to preside on this occasion at the first conference meeting of the Metropolitan Sanitary Association—an association which has been called into existence in consequence of the difficulty widely felt, and deeply felt too, with regard to the sanitary condition of the metropolis. Of course, in an assembly like this it is unnecessary for me to do more than indicate, in the broadest and quietest terms, the cause of the existence of such an association as this. With a population of three millions of persons crowded together into a comparatively small space, and with all that immense population necessarily involves in the way of close contiguity of dwelling-houses and all kinds of protection and shelter for cattle, with the means of sewerage and all the elements that perpetually exist, and the liability to intense aggregation, calculated to promote, engender, perpetuate, and spread disease, a society of gentlemen, the business of whose lives has principally been to meet these difficulties and promote the public health, is, I would say, pre-eminently and obviously necessary in such a population as this. (Hear, hear.) These necessities were felt at a moment when there was great probability of the incursion into this country of a serious epidemic disease. When we were threatened, as we were, to a certain extent, with the presence of cholera, a meeting of gentlemen who take an interest in sanitary subjects felt that, though a good deal had been done since 1831, when we first had an outbreak of cholera in this country—a great deal done by philanthropy and benevolence, a great deal by modern skill, and not a little by legislative enactments—though what we then did was very greatly improved upon after the cholera in 1839, yet, at the same time, they felt that there remained a good deal of room for improvement in sanitary arrangements generally; and so far as legislation was concerned, and so far as active co-operation of all the bodies charged with sanitary arrangements—vestries and district boards, medical officers of health, nuisance-inspectors, and so forth—were concerned, there was great necessity existing that they should be able to co-operate together more freely, confer together, exchange opinions and experiences one with another, bring the experience of one district under the notice of another district, that those who were not so well acquainted with the subject might become better acquainted with it, and that those who were better acquainted with it might improve their acquaintance with it by means of these conferences. There is no

scheme which seems to me so proper as this, to consider the state of the law, wherein it is defective, wherein it is erroneous, wherein more Government remedies are required, wherein the remedies are sufficient, if adequately enforced. All these matters may be brought before a conference like this with great advantage, because it is not legislation alone which can accomplish this; legislation can do much when an Act is passed, if those charged with the carrying it out are persons of sufficient intelligence, sufficient philanthropy, sufficient public spirit, and sufficient determination and vigour to enforce the remedies which the law has provided for them. No person can look back twenty years without being both encouraged and discouraged in regard to this subject—encouraged when we look at the stimulus which has been given to go on in the same direction. We have materially reduced the average rate of mortality in London; and that has been done, not upon a stationary population, but upon an annually increasing population, which means of itself, without saying more, an annual increase of the difficulties in the face of which sanitary arrangements take place. If, then, we have done that, in spite of the increasing difficulties which the mere lapse of time and the increase of population create, we may be said, I think, to have overtaken some of the necessities of the case. We have not only come up to the mark, but we have, to a certain extent, done away with the mischiefs of previous delays. But whilst encouraged in looking at that, we cannot but reflect how much more might have been accomplished if certain of the laws passed had been framed—I will not say in a different spirit, but in a different form, and, above all, if the public bodies in London who have been charged with the duty of carrying out the law for enforcing sanitary arrangements and promoting the public health had entered upon the discharge of their duties with more advantages—in the first place, with greater advantages of information on the subject. One cannot expect gentlemen who fill the office of vestrymen and give up a large portion of their time to the discharge of public duties in connexion with these matters—one cannot expect that they can have the time to make themselves masters of such a question as this. Therefore everything which facilitates the means of communication to gentlemen intrusted with such duties is, of itself, a great advantage; and there is not a vestry in London nor a district board—nay, to go further, not an inspector of nuisances or, going to the highest range, not a medical officer of health, who will not feel themselves indebted to this Metropolitan Sanitary Association for grouping facts for them—bringing the different opinions of ancient professors of the science prominently before them, with the result of discussion among themselves, so that each may feel for himself that he has a sounder footing, better information to go upon, better acquainted with the necessities he has to meet, and which the Legislature has appointed him for the express purpose of remedying. Under these circumstances, it will be seen that vestrymen have laboured under disadvantages hitherto. Then, again, many vestries are not equally placed. Some would like to do more than their constituents will support them in. A vestry in that position will be greatly supported by such an institution as this. It will be a

great thing for the foremost vestries and those most active in these things to be held up as a model for their example to be imitated by others; and those who desire to follow the most active will be stimulated by the public sanction which will be given by that best system, the Metropolitan Sanitary Association. That is the great object of this Association—to collect facts, to afford an arena for discussion as to the best mode of meeting the difficulties with which the public-health question is surrounded on all hands. For this object the Association has been founded by gentlemen who take a deep interest in the subject, and who hope to accomplish much by its agency, and who have hit upon this scheme, not to coerce anybody, but to encourage everybody to do all that can be done, so that, should there come an incursion of epidemic in the next year, we may be as far as possible prepared for it, and not taken as in a panic—not taken when it is too late to do any good, not knowing how to meet it, but having our system organised and ready to operate at the moment; and inasmuch as, next to public morals, the public health must always stand as the most important thing in any country, and especially in the metropolis, I can hardly imagine that a more philanthropic and proper sentiment can animate any person than in co-operating with an Association like this in the accomplishment of these great objects. We have already accomplished enough to know that every right step consistently taken secures a certain amount of good, and every step we take is a step towards bringing us to that state of things which we are all looking to, when the average mortality shall be brought down to a minimum—that is, when public health and life are best cared for, and when the Legislature shall feel that those two great interests are the most important things they are called upon to provide for. I have great pleasure in taking the chair at the meeting this evening. I am not, as most of you are aware, connected with the medical profession. I am a lawyer; but what I can do in my place in the Legislature to promote this great object, I shall feel it my duty and pleasure to do. I have now the gratification and honour of introducing to the meeting Dr. Druitt, who is about to read to you a paper which he has prepared on the important subject of “The Defects in the Existing Sanitary Laws, with Suggestions for their Amendment.”

Dr. Druitt, president of the Association of Medical Officers of Health of the Metropolis, delivered an address on the defects of the existing sanitary laws, with suggestions for their amendment. To accomplish the object of the Association, they had a right to interfere with others for their own safety, because many diseases that began on a particular spot would ultimately affect a whole community. They should not as Christians remain witnesses of the misery and degradation of a great mass of their fellow-creatures without endeavouring to lift them up. The seeds of cholera lurked wherever there was moral as well as physical contagion. If the people of the metropolis wished to be healthy, they would soon learn how to be healthy, and would be healthy. The chief obstacle in the way of effecting their object was the will of the poor, who would not help themselves. The case of the adults was almost hopeless, though they might check the evils as regarded them; but in



the case of the young they might pull the evils up by their roots. The next obstacle was to be found in the habitations of the poor, in which cleanliness, or comfort, or anything like respectability was impossible. He begged to call attention, in the next place, to the means which the Legislature had placed at their disposal for dealing with the nuisances of which they complained. He admitted that the law, notwithstanding its defects, had done an enormous deal of good. Where the authorities had to deal with a respectable person, the law could abate the nuisance; but if they had to do with a man who knew a little of the law, or employed an attorney, the case was very different. He called attention to suggestions drawn up by the Metropolitan Association of Medical Officers of Health for the amendment of the Nuisances Removal Acts, Diseases Prevention Acts, Common Lodging Houses Act, Water Acts, and Building Acts. Reference was made in this document to the weak points of the law.\* For example, in the case of fever in a poor person's house, there was no power vested in the authorities to send that sick person away. The sick person's room could not be cleansed while the sick person was there. Should a person die, there was no power to remove the corpse elsewhere. He suggested that all houses occupied by persons at any time chargeable to the poor-rates should be registered and inspected periodically, and the names of the owners registered, so that no difficulty would be experienced in proceeding against them. The sanitary laws should be consolidated, and the powers of the local authorities should be made more effective. They should have power to summon before them the owners of houses complained of, and on hearing the evidence on both sides to order that the necessary work should be carried into execution under a penalty. Of course he would give an appeal to the magistrates; but he anticipated that the number of appeals would be very few. He considered that the parish should have a lien on a house complained of and occupied by persons chargeable to the rates, and that the parish should, if necessary, by selling such house, be repaid any expense incurred either for repairs or for prosecutions.

The meeting was addressed by Mr. Ford, Dr. Brewer, Mr. Rendel, Mr. Godwin, Mr. Price, Dr. Wallter Lewis, Dr. O'Bryen, Mr. Joseph Jennings, and Mr. Benjamin Shaw, who moved the following resolution:

"That the difficulties pointed out this evening in the working of the sanitary laws be referred to the Council of the Association for their consideration, in order that, wherever feasible, they may suggest appropriate amendments, and put them into such a form that they may be pressed on the attention of the Government, or incorporated in any Bill before Parliament suitable for the purpose."

Mr. Burt having spoken,

Mr. Ware said, I beg to second the resolution which has been proposed by my friend Mr. Shaw, which is to the effect that the matters introduced during the course of these proceedings be referred to the Council of the Association. I wish to remark, that I hope this meeting is only the commencement of a series of conferences of a similar

\* These suggestions are published by Renshaw.

nature, as I know there are many gentlemen who wish to express their opinions on these points; and I hope they will have the opportunity of doing so on a subsequent occasion. I would remind the meeting that the rules of the Association have been prepared with the view of extending the scope of its operations as widely as possible. We have put the subscription at five shillings, in order to induce persons of all classes to join the Association and take part in our deliberations. Our object is, not to find fault with vestrymen, but to induce them to join us, and sit in the same room with us. I hope on each occasion we shall have vestrymen from all parts of London. These are not public meetings so called, but rather for conference among those who are interested in the subject, and who are members of the Association; and I imagine the summonses to future meetings will be sent only to members of the Association and others particularly interested in the subject. I hope all present will do their best to extend the Association, in order that we may have the benefit of the most extended experience and the soundest judgments upon the important matters which have engaged our attention this evening.

The resolution was unanimously adopted.

A cordial vote of thanks to the Chairman for the ability with which he had presided over the meeting was passed by acclamation, and the proceedings terminated.

#### METROPOLITAN ASSOCIATION OF MEDICAL OFFICERS OF HEALTH.

At the last meeting, Dr. Richardson read a paper on "The Origin and Nature of the Disease-producing Animal Poisons." The author is opposed *toto cælo* to the "zymotic" theory; he believes the animal poisons, such as produce scarlatina, glanders, &c., to be of the nature of animal alkaloids, capable of being united to acids, and of being again precipitated and recombined; hence, that they are not in their nature "living," "cell," "germinal," or "organised," though they arise in, and may co-exist with, living matter. The *modus operandi* of the poison is *catalysis*, not *zymosis*. He says:

"1. All the organic disease-producing poisons are modified poisons—secretions. 2. The secretions are rendered poisonous by two processes—(a) by contact with organic poison pre-existing, (b) by direct decomposition. 3. The poison of each secretion possesses several qualities: it can only be absorbed by particular channels, and it can only provoke further disease by coming into contact with a secretion allied to that from which it was itself derived. 4. The reproduction of the poisons depends on the continuance of the process of physical changes in a continuous secretion. 5. The poisons kill by various means—(a) by the secretion causing obstruction of necessary function; (b) by exhaustion from excessive secretion; (c) by extreme irritation of nerve, and reflex injury; (d) by the absorption of the poisoned secretion into the blood, and disorganisation.

"The cattle-plague is, without doubt, communicated from animal to animal by the transmission of a diseased secretion from the mucous surface of the gastro-pulmonary tract of the diseased animal to the

same surface of the healthy animal. The diseased secretion having infected some point of secretion in the nostril, mouth, or throat of an animal, there is quick transformation of all further secretion thrown out at the infected spot. This infected secretion in turn is swallowed, to affect the whole of the alimentary tract and, ultimately, by absorption, the blood. The disease is, in short, a local malady becoming general. It spreads at this moment by contagion, but it may have had a direct origin—*i.e.*, an origin without a pre-existing cause."

#### STATISTICAL SOCIETY OF LONDON.

The first ordinary meeting of the present session was held at 12, St. James's Square, on the evening of Tuesday, November 21. Colonel Sykes, M.P., F.R.S., Vice-President, occupied the chair. There was an unusually large attendance of members and visitors, amongst whom were Professor Babbage, Mr. W. Newmarch, F.R.S., Dr. Farr, Dr. Camps, Mr. C. Jellicoe, Mr. F. Purdy, Mr. Hammick, Mr. A. H. Bailey, Mr. Samuel Brown, Mr. G. Cutcliffe, Mr. E. Chadwick, C.B., Mr. D. Chadwick, Mr. Sheriff Gibbons, Mr. Bohn, Mr. Courtney, Mr. F. Henriks, Mr. W. B. Hodge, Mr. B. Newbatt, Mr. M. N. Adler, M.A., &c.

The principal business of the meeting was a paper read by Dr. Guy, "On the original and acquired meaning of the term Statistics, and on the functions of a Statistical Society; also on the question whether there is a science of Statistics, and, if so, what are its nature and objects, and what its relation to Political Economy and Social Science." The author commenced by discussing the original and acquired meaning of the term "statistics," which he said appeared to have been first used in 1749, by Gottfried Achenwal, professor of law and politics at Göttingen, in his work entitled "*Statsverfassung der heutigen vornehmsten Europäischen Reiche und Völker*," wherein he incidentally defined the term *Statistik* as that branch of learning (Disciplin) which occupied itself with the extent, limits, subdivisions, and natural relations of states, their advantages, their history, and their origin, and as being synonymous with *Statskunde* and *Statsbeschreibung* (the science and the description of states). How the word *Statistik* came to undergo so considerable a change of meaning, as to imply not a history or description of states and kingdoms, but only a part of the materials of which such history or description was composed, it would not be easy to point out, nor would the search after the facts repay the labour of the investigation. But at the date of the establishment of the Statistical section of the British Association (1833) and of the Statistical Society (its offspring), statistics had already come to mean rather the materials of a science than the science itself. As the founders of this society apprehended it, the statistical labourer was not to be indulged with the luxury of opinions; he was to be a patient drudge, binding up his sheaves of wheat for others to thresh out. But early in the history of the society, its very founders and office-bearers, men of whom they were justly proud, broke through the narrow bounds within which it was sought to confine them, and set at nought the self-denying ordinance, which, had it been narrowly observed and strictly acted



up to, would have made the Statistical Society of London a very by-word for contented dullness and senseless drudgery. Fortunately, the society had become moulded, almost imperceptibly, into a more attractive form. The facts and figures of many of their most valued contributions had first been collected and arranged by men who submitted to the labour because they had *opinions* which they wished to bring to the test; and they then brought them before the society, instinct with the living energy and force which thought lends to fact. Dr. Guy next considered the proper functions of a statistical society, and observed that the true conception of the functions of a statistical society might be best arrived at by combining into one comprehensive sentence the definition of Achenwal and the statement of their Prospectus, and adding to this combined formula such minor details as were obviously suggested by the proceedings and usages of their society. If this view of the matter were correct, the following summary of the proper functions of a statistical society would not be very wide of the truth:—"1. To collect and preserve facts illustrating the past and present condition and probable future prospects of states, and their territorial divisions, and of the several classes of their inhabitants. This is best done by means of a library, well arranged and duly catalogued, containing both books and manuscripts. 2. To add to existing facts by the special inquiries of committees or of persons appointed for the purpose. 3. To promote the discussion of unsettled questions, and the correction of erroneous views in political and social economy, by arranging for the reading of papers at periodical meetings to be held for the purpose—such papers only to be deemed to be within the province of the society, as make use of facts and numerical statements in support of the views therein expressed. 4. To encourage to the utmost all efforts tending towards the establishment of sound principles for the guidance of those who engage in the work of collecting, arranging, and tabulating facts, and in applying the numerical method to the discovery of truth. 5. To discourage the improper use of the word statistics as a mere synonym for collections of facts irrespective of the purpose to which they are applied; and to uphold the dignity of the society as applying facts of a peculiar order to purposes of the highest utility. 6. To discourage and repress all encroachments on the arena of politics, as objects of party strife." The last question discussed was—Is there a science of statistics; and, if so, what are its nature and objects, and what is its relation to political economy and social science? Dr. Guy considered at great length the meaning and application of the word "science," and argued that they could not refuse to the actuary, who first collected and arranged facts relating to the duration of human life, and then calculated the expectation of life, the title of a man of science, for no better reason than that his calculations possessed their high utility, not when applied to the individual man, but only when brought to bear (as in life assurance) on great numbers of persons. And so must it be with the statist, in the sense in which he used the term. He collected and arranged his facts, calculated their average value, marked, in some cases,

their extreme values, and then made application of his knowledge to the groups or classes to which the facts related; but the right and power of action rested with the State, and not with him. But the fact that the results which he obtained were applicable in practice, not to individuals but to classes, and the accident, so to speak, which separated the discovery of truth from the power of applying it, could not destroy the dignity of his pursuits, nor rob statistics of its right to take rank among the sciences. He inferred that there was a science of statistics—a science worthy of respect, encouragement, and support—a science of which the members of the society might be justly proud—a science to which states and nations need not be ashamed to acknowledge their obligations. (Dr. Guy was warmly applauded at the conclusion of his address.)

A discussion, in which the Chairman, Mr. F. Purdy, Mr. Newmarch, Mr. Hammick, Mr. Babbage, Dr. Farr, Mr. Hodge, Mr. Fellowes, and Mr. David Chadwick took part, followed, and was brought to a conclusion by Dr. Guy's reply and the usual vote of thanks. The discussion was unusually animated and interesting, and displayed the differences of opinion which might be expected in reference to a subject of this kind.

On Tuesday, Dec. 19, Dr. W. Farr, F.R.S., read a paper "On the Mortality of Children in the principal States of Europe." Dr. Farr stated that the proportion of children who die in the first five years of age is very large, and one of the causes of this great loss of life, among the poorer classes especially, is want of care and attention by reason of the absence of the mother at work in the field or in the factory, often at the precise period when the child most needs constant looking after. The number of children born anywhere out of wedlock is not exactly known; for unchastity is necessarily punished by public opinion, and there is consequently a natural tendency to conceal illegitimate births. Illegitimate children are, for obvious reasons, almost exclusively the victims of infanticide; but the number of deaths from that crime is inconsiderable in comparison with the numbers of untimely deaths from other causes. None of the foreign States publish an account of the causes of death of the entire population, so no comparison can be made in that respect; but data have been obtained from official sources from which an accurate view of the loss of young lives in Europe from all causes can be given. The facts do not all refer to the same period, but range variously from 1851 to 1863 in the different countries. The birth-rate in Italy and Prussia is 39 per 1000 of the whole population; Spain and Austria, 37; England, the Netherlands, Denmark, and Sweden, 34; Norway, 33; Belgium, 30; and Spain, 26. The annual rate of mortality of children under five years of age per 1000 of the population of the same age is, in Norway, 41; Sweden, 51; Denmark, 53; England, 68; Belgium, 75; France, 79; Prussia, 82; the Netherlands, 91; Austria, 104; Spain, 112; and Italy, 114. In England the mortality of children under five years of age is 101 in 30 large town-districts, whilst in the 63 healthy districts of England it is only 40.

Of 1000 children born alive in Norway, 883 attain five years of age; in Denmark and Sweden, 797; in England, 736; in Belgium, 733; France, 711; Prussia, 683; the Netherlands, 673; Austria and Spain, 637; Italy, 606; Russia, 603; in the 63 healthy districts of England, 823; and in 30 large town-districts of England, 645. Consequently, the proportion of deaths out of 1000 children born alive is, in Norway, 167; Denmark and Sweden, 203; England, 264; Belgium, 267; France, 289; Prussia, 317; the Netherlands, 327; Austria and Spain, 363; Italy, 394; Russia, 397; 63 healthy districts of England, 177; and in 30 large town-districts of England, 355. The records of the peerage of England show that out of 100 children born alive in peers' families 90 survive, 10 only dying in the first five years of age; and the deaths among the children of the English clergy are nearly in the same proportion. But in the foundling hospitals these proportions have been reversed; for 90 out of 100 born alive have been cut off in them during the first five years of life. By the English Life Table, of 100 children born alive, 15 die in the first year, 5 in the second, 3 in the third, 2 in the fourth, and 1 in the fifth—making 26 in the first five years. Of the fifteen who die in the first year, 5 die in the first month of life, 2 in the second, and 1 in the third month. The French returns show the deaths in the first week of age, and the annual rate of mortality in that first week is 154 per cent., which may be thus illustrated: If 100 children just born were placed in a house, and their numbers maintained by the addition of a newly born child to supply the place of every death, so that there should always be an average of 100 children maintained within the walls, 154 deaths would take place therein in twelve months, on the hypothesis that the mortality-rate be that of the first week of life. It may be taken as a rule generally, that the greater the mortality in any country, the greater is its excess in the first days of life. Dr. Farr announced that he was now in communication with the principal official statisticians of Europe, and he hoped eventually to be in a position to discuss the causes of the deaths of children in the various States. But with regard to one of those causes—infanticide—it is necessary now to advert, because the Abbé Cesare Contini, an Italian statistician, has, in a paper published in the Journal of the Statistical Society of Paris (May, 1865), brought the gravest charges against us as a nation; and as many of his statements are founded upon misapprehension, it is necessary that they should receive public correction. M. Contini has met with an observation of Dr. Lankester, the coroner for Middlesex, to the effect that 74 inquests were held by him in one year on children found dead in the streets or elsewhere, and that probably as many more escaped judicial cognizance. M. Contini then turns to the Home-office Criminal Statistics, and finds that the coroners of England held 6506 inquests on children under seven years of age in 1863—*ergo*, 6506 cases escaped notice; so 13,000 children perished in that year by the hands of their parents! That M. Contini has fallen into grave error in adopting such an estimate is of course abundantly clear; he does not understand the nature of the coroner's



inquest, which is held in all cases of sudden and violent death, but does not of itself necessarily imply the suspicion of guilt. Moreover, if Dr. Lankester's estimate were correct (and we are not prepared to question its accuracy), a proportion of 150 cases of infanticide in 1,000,000 of population would only yield 4500 such cases in the whole of the United Kingdom. Besides, it is not likely that in country districts, where concealment is difficult, the proportion of infanticides can be so great as in London. In 1862 the coroners of England returned 180 deaths of children under five years of age, under the head of "Murder or Manslaughter," the deaths from all causes at that age having been 178,513 in that year; so that one death only in 1000 deaths of children is stated to be by murder or manslaughter—a proportion quite inconsiderable compared with the untimely deaths from other causes.

The registration of the still-born is very necessary, and it is hoped some means may be adopted to carry it into effect. M. Contini asserts that the burial societies in England are a great cause of infanticide—that parents wilfully destroy their children for the sake of the money which they thus obtain from the societies. But to kill the child is to rob the club, for the insurance is paid out of the contributions of the members; and it is quite certain that as a speculation a club of infanticides would not pay. The working-classes founded burial clubs in obedience to a well-understood principle which has actuated men from the earliest ages down to the present time—respect for the dead; and the poorest Englishman dreads nothing more than to be buried at the expense of the parish. It is to avoid the "pauper's funeral" that the labourer puts his mite into the box of his club to provide for the decent burial of his body at his own charge.

Unskilled nurses and midwives, insufficient food and warmth, want of proper attention, these are the great causes of the short life of our babes. Children ought neither to be swathed in bandages so contrived as to make them powerless to use their limbs, as is the fate of little ones in many parts of the Continent, nor should they be drugged with "quietness-powders" to keep them out of mischief, as was the practice in some parts of England. If we would maintain our race in all its pristine vigour, we must provide proper means for the preservation of the health of the young, see that they can have fresh pure air, and give them access to places for recreation and play elsewhere than in the streets, where they get run over and maimed, if no worse fate befall them. Foundling hospitals—M. Contini's favourite panacea for all the evils to which childhood is heir—have never been maintained in Protestant countries; they have an undoubted tendency to diminish the penalty of unchastity. Abroad the mortality in them has hitherto been immense, and M. Contini will find that the destruction of children is greatest in those countries which are endowed with the grandest foundling hospitals. In the struggle for existence, the race which breeds and educates the greatest number of vigorous and intelligent children has the best chance of winning and holding its own.

Dr. Lankester, alluding to the remarks contained in the paper by the Abbé Contini, which had been mentioned by Dr. Farr, proceeded to point out some remarkable mistakes into which he had fallen. With regard to the assertion that there were 13,000 lives of children destroyed annually in England by their parents, Dr. Lankester observed that no calculation upon any published statistics or data in this country could have led to that conclusion without the greatest possible error. (Hear, hear.) The statement was evidently founded upon the estimates which had been made of the number of children found dead in the streets of London. In the district over which he was coroner, containing about 1,000,000 people, there were from 70 to 80 people found dead in the streets annually. Judging by the advanced state of decomposition in which many of them were found, he thought, probably, that for every one found at least another one escaped finding. That would give, in his district alone, 150 children destroyed annually, in a population of 1,000,000. Supposing the population of the country to be 30,000,000, the 150 should be multiplied by 30, and it would give as the number found in the streets every year, 4500. Dr. Farr had probably arrived at the right solution of Signor Contini's misstatement—that he had taken all the cases in which inquests were held on children under five years of age, and imagined them to be cases of infanticide. There were a large number of illegitimate children under five years of age on whom inquests were held; but these were not cases in which the children had been directly deserted or murdered by their parents. At the same time they belonged to a class of cases which required the earnest attention of the philanthropists of England. Dr. Lankester then alluded to a calculation for which, he said, he had frequently been called to account, as it had been made much absurd use of. It related to the number of women living who had "put away" their children. It was not probable that the 150 women in this district would commit the crime of infanticide a second time; and, therefore, it was fair to suppose that the 150 a year were new mothers. The average age of these women was about 20 years, and the expectancy of life at that age was 40 years; if they multiplied 150 by 40, they would have 6000—the probable number of women living in his district who had made away with their children. There were 360,000 adult women in London; so that, according to this calculation, there were 18,000 women in London, or one in 20, who had murdered their children. In consequence of this, some English papers had stated that he had said there were 18,000 children murdered in London every year, and we had been held up on the Continent and in America as monsters of iniquity. (Laughter.) Dr. Farr had pointed out some defects in the registration of children; and if these were remedied, a larger amount of crime even than we suspected might be detected. Still-born children were not registered in England, and he thought this was a matter in which action should be taken. He did not believe Englishmen generally knew how through that loop-hole a large amount of infanticide might pass all observation. There were thousands and tens of thousands of these children buried

every year in England with no better guarantee that they had been born dead than that afforded by the persons who brought them to the undertaker. He did not think that was the case in any other civilised community. Something like sentiment had been allowed to interfere between us and the proper registration of such children, and that sentiment ought to be got rid of. Still-born children should be registered in such a way that no means should exist by which a child who had been born alive and murdered could be passed off as still-born. The importance of this was impressed upon the minds of all the coroners in London, some of whom believed that many of the children found dead in the streets were thrown there by undertakers, who had been paid for the burial, in order to save the trouble and expense attendant upon a faithful discharge of their duties. Though he did not believe in that himself, still he thought it afforded an additional reason why they should have evidence that every child that was brought to the undertaker to be buried was either still-born or had had proper attendance. Whilst upon this subject, he would remind them that there was no compulsory registration of births in this country; and if they could impress the Legislature with the necessity of enforcing this, the same as it was in Scotland and Ireland, the results would be most beneficial. He was sorry to say that the tendency to infanticide was extending to children of a riper age. It had recently come under his official duties to investigate the deaths of children found in the streets who had been from two to six weeks old, showing that there was a tendency on the part of parents to forget the duties they owed to their offspring altogether. This view of the question of the deaths of children was a very minute portion of the great question of those deaths brought forward by Dr. Farr. It was perfectly astounding to see the number of children that were positively killed for want of knowledge on the part of their parents of the laws of life and health. Every year he held above 100 inquests on children who were suffocated in bed by their mothers. Then, the system of dressing children in England was most absurd. They would see them in the streets at this time of year with bare arms and legs, whilst adults, who required less warmth, were well covered from head to foot. They required food, air, heat; and, as Dr. Farr had said, talk as we would, the poor did not get pure water. They had to carry it up to their rooms in pails, and there it got impure by decomposition. He estimated that a great deal of the diarrhoea which occurred in London arose from impure water or milk, the latter oftentimes being allowed to stand for twenty-four or thirty-six hours, until it got into a putrescent condition. Some persons said it was impossible to keep children from getting ill—that they must die. That was the sort of philosophy that was talked by vestries. He had seen gentlemen with a kind of London Mechanics' Institution education get up and parade their knowledge of the laws of nature, by saying they did not see how those laws were to be got rid of. In connexion with St. James's, Westminster, there was a school of from 150 to 180 children on Wandsworth-common; and though these were pauper children of from two to sixteen years of



age—the offspring of the vicious, the drunkard, and the wretched—yet this school had existed for thirteen years, and only three children had died in the whole of that time. Other parishes having schools in the country could bring forward similar facts; and here, then, was the remedy. It behoved them to insist that there were deaths taking place for which society was responsible, inasmuch as they might be arrested if proper measures were adopted. In conclusion, Dr. Lankester urged the necessity of the upper classes setting working men a better example in regard to strong drinks, contending that much of the misery and social depravity existing was attributable to the fact that they spent that for drink which ought to buy them and their children clothes and food, and that no great change for the better could be expected amongst the poorer classes until the richer set them a good example.

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## CORRESPONDENCE.

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### CORONERS' INQUESTS.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—The value of coroners' inquests, as of all judicial proceedings, depends much on their publicity, and in country places this publicity is not always attained. Reports of proceedings are left to the enterprise of the proprietors of local papers, who cannot always ensure reports on reasonable terms in out-of-the-way places.

This seems to be a social grievance lacking a remedy; I therefore submit it to you for discussion, suggesting for consideration whether summaries of proceedings before a coroner might not, with advantage, be furnished by the coroner or his clerk when no reporters are present.

The want of a public prosecutor, moreover, renders judicial investigations, in this country, a contest between plaintiff and defendant; and, unless there is an interested plaintiff, there is often no case produced, though a very clear one is produceable.

What friends usually, I may ask, have most of the miserable creatures who come to an untimely end, not a tithe of whose deaths are brought to the notice of the coroner, and of that tithe not more than another tithe are investigated with the help of an able prosecution and the cordial aid of the police?—Your obedient Servant,

December 7.

VERBUM SAT.

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SIR,—Your correspondent "J. B." will surely have plenty of answers; for if the wife is starving the parish must relieve her, and her husband is then liable to a month's imprisonment for refusing or neglecting to maintain her; *if not married*, this would not be the case, and, I fear, many who live together remain unmarried to escape the liability both as regards the woman and the children. I send a case from a Hampshire paper.

"At the Police Court on Saturday, William Hawkins, a labourer, was charged by Mr. Gilham, the relieving officer, with neglecting to support his wife and child, whereby they became chargeable to the parish of Portsea. It was proved that the wife and child had been chargeable to the parish since August last, and that the amount at present due in respect of their maintenance was upwards of 4*l*. The defendant, who was said to be in the habit of spending nearly the whole of his money in drink, was sentenced to fourteen days' imprisonment."

Yours, &c.,

J. O.

## THE TERM SOCIOLOGY.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—I do not like the word sociology introduced by Comte, and adopted by Mill and others. *Socius* is Latin, and *λόγος* Greek; the word is therefore a hybrid. *ἑταῖρος* is the Greek equivalent of *socius*, and would make "hetærology;" but that would not quite convey the meaning of Social Science. What is wanted is a word meaning "the science of men in masses"—i.e. of communities. Social Science hardly means this. "PoliticoLOGY" is the best word I can think of. Cannot some of your readers give us a good scientific term?

Yours, &amp;c.,

R.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

DEAR SIR,—I hope you will allow me to correct the errors in your report of what I said at Sheffield, which have evidently arisen from the vain attempt to compress into a very limited space what would require much more room.

At page 20, I am described as Government Inspector of Mines. I hold no such office, but that of Inspector of Burial Grounds; and I was very careful to explain at the meeting that no one connected with the Inspection of Mines Act was responsible for my opinions, which is important.

At page 33, I am represented as attributing the cattle-disease to filth. This is impossible, for the filth is a constant condition, and the disease an exceptional effect; it must, therefore, have an exceptional cause. What I said was to express doubt that the disease had been proved to be imported, as Professor Gamgee described it to have been.

Yours, &amp;c.,

P. H. HOLLAND.

## TRADE.

THE HEINOUS 'STATE-FRAUD ON THE TAXPAYERS.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—The bulk of readers will not give themselves five minutes' trouble to unravel the problem which is supposed to be attached to this question, when, in truth, there is none to solve. For the want of looking into this subject, few are acquainted with the facts why their countrymen seriously suffer those pecuniary difficulties to which most of them are liable. It is, you will admit, perfectly absurd to attempt to right many questions affecting the well-being of man, so long as the monetary laws of our country are wrong. It would be like performing the play of "Hamlet" with the character of the *Prince of Denmark* left out. Money is the half of every bargain, and, unless both halves are on an equality, justice is not maintained. The scales do not balance—equity is absent. To quote your own words in your introductory address: "Freedom of action, in which alone man can obtain the greatest happiness and the highest object of his existence," is required. The law allows you "freedom" to fix your price to your useful journal. Might I not with equal justice demand the same "freedom" to be given to my sovereigns? Do the latter come direct from heaven?—or why are they to be by law fixed in price, and your journal not? The man's wages, that coins the sovereigns, is not fixed, nor the gold that is dug out of the earth. Why, then, is the coin? Where is the wisdom? The law absurdly says, there shall be no freedom in money, but freedom we may have in commodities. There may be a great demand for your journal, and you are at liberty to advance its price; there also may be a great demand for my sovereigns, but the law steps in, and will on no pretence allow me to advance their price. The consequence is, they go to the highest bidder, while we in England are not allowed to bid for them. As well might the Legislature fix the movement of the muscles of one of your hands, and give natural freedom to the other, as allow one law for our gold money and another for the com-

modities. But such actual absurd fact exists, and from which we hourly cruelly suffer.

In all efforts made by philanthropists to mitigate the evils of society, the question of money has been ignored, and hence the lamentable failures—like the man who attributed his headache and inability to walk straight to everything but his deep potations.

For two-and-twenty years we had "freedom of action" in our gold coin. It varied in price by the law of common sense and liberty. The natural consequence was, we had during that period (to again use your words) the "greatest happiness" and most brilliant prosperity. In an evil hour, 1819, that God-like law was repealed, and, from that to the present, this country has ever been vacillating between hollow prosperity and money-panics. Clamours every year arise for a reduction of taxation, and inability is shown, after fifty years' peace, to pay any portion off our national debt, with an increase of crime, more than one hundred thousand annually banishing themselves from their native soil, heart-broken industry, millions living unwillingly a life of celibacy, incessant child-murder, hundreds gorged with repletion, and millions penniless, living from hand to mouth! The process of government in the before alluded-to fraud, unparalleled in the annals of crime, was this:—For every 40% lent, the fundholder was to receive 100% ! This is the heinous state-crime which attaches to the memory of the second Sir R. Peel. Nor is this all. Immediately the law of 1819 fixed the price of our gold coin, as a natural consequence, profits and wages declined rapidly; riots broke out in almost every direction. There was literally a whole population, with abundance of food staring them in the face, unable to procure it, through the want of an insignificant instrument of exchange. And here it may be remarked, we may talk till we are black in the face, but no power of man can make money more or less than an instrument for effecting exchanges. It is but a mere machine for doing quickly that which would be done less quickly without it. Whether it should be of gold or not, I will not now go into; but I may remark, if it is absolutely necessary to have it of gold, a printing-press or plough should also be made of this expensive material, for both these machines are for doing quickly that which would be done less quickly without them.

The first money-panic from this law (and we have had many panics since) ruined one-eighth of the country banks and six of the London ones, while the aggregate losses of the nation that year alone would have redeemed two-thirds of the national debt!

Panics, the offspring of our metallic money, have destroyed in this country, since 1816, as much property as would have redeemed the national debt twice over! Is such a system to continue? Where can we look for deliverance but in such an intelligent body as the Social Science Reformers? The entire question as to whether our money-laws are wise or foolish, advantageous or mischievous, lies in a perfect nutshell. Society says with you, "freedom of action, in which alone man can attain the greatest happiness and the highest object of his existence," is absolutely necessary. Consequently, in the absence of "freedom of action," there must, and actually does, arise the greatest unhappiness. For, as before observed, the law fixes, under severe penalties, the price of the gold coin, while it cannot fix the price of the gold out of which the coin is made, or the labour that fabricates the coin. Can absurdity go further? You are at perfect liberty to lend the coin, and charge what you like for the loan of it; but you are not allowed to sell it for more or less than twenty shillings. Imagine the same law applied to your journal or a leg of mutton. Would you not say it was preposterous? Whoever buys books, food, or clothing, sells money for these articles, although we do not usually speak of selling money; but it is the fact we do so, nevertheless. How are we to have "freedom of action" when the instrument by which trade is carried on is not free? Social science may remove evils of a mole-hill size; but while we allow this mountain of mischief to remain, our other movements are but of a child-like nature.

Scarborough, December, 1865.

M. N.



## REVIEWS.

THE EMPLOYMENT OF CHILDREN AND  
YOUNG PERSONS.\*

IF there be one Government duty that is of more importance than another, it is the protection from injury, either by accident or as the result of unsanitary conditions, those who, from the necessities of trade, are compelled to labour at unhealthy employments; and if anything can increase the value of any regulations that may be issued with this object in view, it would be when those employed are children and young persons.

The labours of the Commission, whose fourth Report now lies before us, have been in progress since 1862, and some very valuable suggestions have been made, which, if acted upon, would materially lessen a great deal of the injury and danger that now exist in many of our manufactures.

The third Report presented by the Commissioners dealt exclusively with the metal manufactures, and went into the system of working in various factories in England, Scotland, and Wales. The peculiar trades of Sheffield were not touched upon, and these form the greater part of the division of the Report now under notice.

The plan of dealing with each trade is somewhat similar, and embraces amongst others the following facts:—ages at which children are employed, sex, and numbers, state of the place of work, nature of employment, hours of work, night-work, meal-hours, accidents, wages, influence of employment on physical and moral conditions. There are also in some cases remarks on education, as seen in the children examined.

The metal trades of Sheffield are divided into five varieties:—grinders, general steel and iron manufactures, cutlery, electro-plating, and brass-founding.

Mr. White, who undertook the collection of evidence on the working of these various trades, has given it as his opinion that protective legislation is even more necessary in the Sheffield district than it was represented to be in the Wolverhampton and Birmingham trades.

Grinding seems to hold, as formerly, the first place in "hurtful employments," although as far back as 1841 a Commission was assembled to inquire into the subject, and suggestions were then offered for the benefit of the workpeople, and again in 1860 Dr. Greenhow supplemented their work by further valuable remarks.

The Commissioners in 1865 find, however, that all former evils continue, and that the "inhalation of dust, the constrained position of the workmen, and the ill-ventilated condition of the workshops" are yet in

\* Fourth Report of the Commission. With Appendix. Children's Employment Commission (1862). London: Eyre and Spottiswoode, Her Majesty's Stationery-office. 1865.

existence. When the rate of mortality runs as high as 13 per 1000 (Greenhow), and it is recollected that the remedial measures proposed are neither complicated nor expensive, it does seem inexplicable that evils of such magnitude should be permitted to continue unchecked and ungoverned.

The Commission has now suggested that the "use of a fan be made compulsory" (p. 10, s. 42), and that the Factory Act Extension Act be rendered applicable to Sheffield trades. It is remarkable that with such an effective and simple apparatus at hand the men themselves often neglect to preserve their own health.

One witness says, "The fans are used in some, but only in a few places. If there is one which the men can use, they often do not; and if you ask them why they do not, they say, 'What do I want with "a fanny"?' 'A short life and a merry one' is their rule. . . . Some of the wheels are in a very bad state—killing-shambles, I call them."

One recommendation we cannot agree to, and that is the permission for the master to stop the expense of the fan from the workmen. We certainly believe that it is not only the duty but the interest of the employer to see to the health and comfort of his people; and we think that in trades acknowledged to be pre-eminently dangerous, the onus rests the heavier on the proprietor. If any class deserve protection found them, it is those who are unavoidably exposed to danger. Ventilation and cleanliness are also grievously neglected, and the sanitary section of the Act is recommended to be strongly enforced.

In 1857 there were 1850 boys employed below the ages of nine and twenty-one. The younger ones are set to grind at the very commencement, and Mr. White says he found "one child of six years old" at a "dry wheel." The majority of children are employed at "cutlery," and here they have begun work as early as five years. The hours of labour are also often excessive, and prove in almost every case highly prejudicial to health. "A boy, nine years old, worked at crinoline-steel rolling, *three nights running, as well as the days, and this under his own father.*"

The Commission strongly recommend some interference both in respect to the age at which children should commence work, the hours that they should be permitted to work, and the regulated intervals that should be given for meals.

It seems quite clear that if children were not put to dangerous work, such as grinding, until they arrived at twelve or fourteen years of age, their health and growth would be less injured, and their constitutions suffer considerably less in the long run.

With such a state of affairs in existence, early work, long hours, and exhausted bodies, anything like mental growth or education must be merely imaginative, and surprise can hardly be felt at such instances of ignorance as lamentable as the following:—

John Holmes, aged 13.—"Have heard of Queen Victoria's name; can't tell what it means. She find 'em money. Have not heard of the Testament, Gospel, Adam, or Jesus Christ. An angel is an image."

John Morris, aged 14.—"Have heard say that God made the world, and that

all the people were drowned but one: heard say that one was a little bird. Suppose that Christ was a man. He was a father, and taught 'em to read out of a Bible. Think he was put to a cross."

William Smith, aged 15.—"Heard at chapel about Samuel fighting with a lot of soldiers. Have not heard of Paradise. The garden of Eden is where men goes and eats off a tree." . . . .

Jeremiah Haynes, aged 12.—"A king is him as has all the money and gold. We have a king; they call her the Princess Alexandra." . . . .

George Swift, aged 16.—"Have worked in a wheel four or five years. Can do two or three sums. Glasgow is a state where the Indians live. Scotland a place where strange people are. A Scotchman comes from Ireland. Do not know the Queen's name." (*Asked by a Grinder: Is it Mary?*) "Think that it is. Never looked on a halfpenny, or took notice there what it is."

Surely, such startling exposures as these must rouse some of our philanthropists into action, and point out the necessity there is, even in this century, for more consideration of our condition at home, instead of abroad, and how advisable it would be to direct some of the money that is annually expended on foreign missions to alleviate a state of misery and ignorance equally deplorable, and certainly possessing greater claims upon us and our sympathy.

The points that seem to bear most injuriously on the employment of children in Sheffield are the hours of labour, the early age of commencing work, and the wilful neglect of the fan.

Doubtless, now that these matters have again been brought forward, legislation will be provided which will not affect the interests of trade, but prove of great benefit to the numbers employed in the staple trades of the Sheffield district.

The tobacco-manufacturer is reviewed with great care in this fourth Report of the Commission, and it is satisfactory to hear that since a former investigation into the conditions of the persons so employed many improvements have taken place. Although in Glasgow the terms "tobacco-boy" and "street-ragamuffin" were considered synonymous until within the last few years, the present state of the children in the various factories, both morally and educationally, is very satisfactory. Perhaps this trade is the only one that unites as a body to educate the young whom it employs, and it is deserving of notice that the first school was established in Edinburgh by a foreman of a tobacco-factory. The results of such care and attention on the part of employers is seen in the improved manners and education of the boys, and all the manufacturers are loud in their praises about the working of the schools. In the report of the "Glasgow Tobacco Boys' School" for the year 1863, we find the following:—

"When we first broke ground in the old Vennel School, two years ago, a very large number of boys chewed tobacco. It was no uncommon thing to find small quantities of tobacco, sometimes in the leaf and sometimes in the prepared state, in the possession of these boys. The first night or two the floor, on the dismissal of the school, was literally one pool of tobacco-juice. Now you will not find a spittle on the floor from one week to another. . . . I do not believe the boys have any real objection to attend the school themselves; on the contrary, I know it for a fact that some of our boys have come to school before going home, lest they should be prevented from coming by



their parents. . . . In instituting this school, you inaugurated a new era in the history of the tobacco-boys of Glasgow. You are putting these boys in a fair way to rise from poverty to comparative affluence."

The influence of the tobacco manufacture on the health of the children has not been proved to be injurious. On first undertaking the work, sickness and faintings are of common occurrence; but these wear off, and, as most of the rooms are large and well ventilated, and the hours of work are not as a rule excessive, no permanent sickness is established.

Artificial flower-making is a trade requiring legislative regulation. The manufacture of coloured and mourning flowers is carried on in London and Manchester almost exclusively by females. During the season the work is tremendous, often resulting, however, from the irregularity of the workpeople themselves, who will waste the early part of the week, and endeavour to make up lost time by late and exhausting labour. The eyes seem to suffer the most injury in this trade, and Dr. Taylor, of the Central London Ophthalmic Hospital, says:—"Artificial flower-makers are frequent patients at the hospital." The dust and colouring-matter seems also to exert some pernicious influence on the health of the work-girls.

After some remarks on ostrich-feather makers, tailors, hatters, glovers, bootmakers, and paper-manufacturers, we come to the concluding subject of this Report of the commission.

The glass-manufacture, which consists of plate, crown, sheet, flint, and bottle glass. There are employed in this manufacture, according to Mr. White's calculation, no less a number than 3934 children and young persons. Many of the firms have determined against employing any under twelve years of age. It is the nature of the employment and the state of the work-places that act injuriously on the health. The work is laborious, and often carried on in a very high temperature, thus "causing a severe bodily strain on the powers of young boys." From faulty construction of furnaces and kilns, they are often literally "between two fires." Overtime and extra labour seem to be common in this trade, and the boys are imposed upon more than the older hands. Thus, Mr. White says:—"A boy twelve years old, who works as a drawer in very large bottle-works, from 5 or 6 A.M. to 6 P.M., had to 'take in,' in place of a boy who was away, till 2 A.M., and then slept in the furnace till 5 A.M., when his next day's work began."

Meal-times are not observed; and it is, perhaps, more essential that young people should have suitable refreshment and periods of rest than anything else. The adoption of a clause to the effect "That no child, young person, or woman can be employed more than five hours before one o'clock without an interval of thirty minutes," would be highly beneficial, and is recommended.

Very valuable suggestions will be found in this Report of the Commission on most important, yet most unhealthy, employments. We cordially endorse them, and would advise all who are interested in the sanitary improvements and general advancement of the staple trades

of this country to carefully peruse the mass of remarkable evidence that has been collected on these subjects.

Those who have been appointed to gather facts and examine into the systems of work in the various manufactories, have performed their duties conscientiously and zealously; and to Messrs. White, Lord, and Longe the public are indebted for a budget of information that is of the greatest social importance.

A report on brick-making and an inquiry into the system of organised labour in the agricultural districts are promised in the next number.

The workings of this Commission, valuable and weighty as they are, will prove of no benefit, however, if legislation is not added; and we should indeed be sorry that so much labour should be lost for the want of energy on the part of our leaders and lawgivers. We would earnestly desire a quick and satisfactory acknowledgment of the value of these Commissioners' suggestions, and a thorough reform of the system of employing children and young persons.

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### BRIEF NOTICES OF BOOKS AND PAPERS.

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*Sewage Exhalations the Cause of Dysentery.* By T. S. COULSTON, M.D. Carlisle: Arthur.

Our sanitary troubles seem infinite. No sooner had we hit upon the plan of the utilisation of sewage, than up starts Dr. Cobbold, and threatens us with the ova of tapeworms, and other horrid creatures of the same family, in our cabbage-leaves, rhubarb-stalks, and especially in water-cresses and lettuces. Hardly had we comforted ourselves with the thought that the cabbages and rhubarb would be boiled and baked, and thus destroy the ova, and that water-cresses and lettuces would not be grown in the utilised lands, than we have this paper by Dr. Coulston, in which he assures us that an outbreak of dysentery and typhoid fever in the Cumberland and Westmoreland Asylum, could be accounted for on no other supposition than that they were produced by the utilised sewage of a neighbouring field. Here are his conclusions: "1. An epidemic of dysentery of a very fatal character occurred in the Cumberland and Westmoreland Asylum, in the year 1864-65. 2. All the positive evidence that can usually be produced to determine the cause of any disease can be produced to connect this epidemic of dysentery with exhalations from a field irrigated by sewage, as effect and cause. Ample negative evidence can be produced to show that no other probable cause of such an epidemic was in operation. 3. The old, weak, paralysed, and diseased patients were chiefly attacked, but it was not confined to them. 4. The majority of the patients attacked were inmates of the wards on the ground floor of the asylum, showing that the sewage effluvia is most concentrated near the ground. Little or no wind and a high barometrical pressure, would seem to be the most favourable conditions for the injurious effects of the poison to manifest themselves. 5. It would seem to be unsafe to apply sewage not deodorised to land with a stiff clay subsoil within 350 yards of human habitations. 6. Diarrhœa in its ordinary form may also be caused by sewage exhalations. 7. There are strong reasons for believing that the sewage effluvia which caused dysentery and diarrhœa in some persons may have caused typhoid fever in others. 8. The sewage poison had a period of incubation in most cases before the dysentery appeared. The length of this period was probably from three to five days. 9. The dysentery was of a very fatal character, and the ipecacuanha treatment, so successful in tropical dysentery, was not so in this epidemic. 10. The two morbid appearances most characteristic of this epidemic were, first, a soft membranous deposit on the mucous membrane of the intestines; and, secondly, the diseased condition of the lower part of the small as



well as the large intestines in all the cases. 11. The poison which caused the dysentery seemed to occupy an intermediate position between the poison which causes the continued fevers, and that which produces ague and its concomitants." Now, this does not show that we should not utilise our sewage, but it clearly indicates that the process is one requiring thought and judgment. Sewage should be thrown on no soil that does not speedily absorb and deodorise it. Wherever utilised sewage gives out an offensive smell, there it is clear its injurious constituents are not oxidised, and, unless the poisons it contains are thus destroyed, they will do just as much harm in the open fields of the country as in the close drains and cesspools of towns. One great object in the utilisation of sewage should be its immediate subjection to oxidising agencies; if these are not applied, it is certain that disease will be the result.

*A Letter to the Lord President of the Privy Council, on the Establishment of Abattoirs for the Metropolis.* By FREDERICK FIELD WHITEHURST. London: Stanford.

Amongst the many recent improvements in London, it is surprising that no attempt has been made to establish slaughter-houses on a large scale, and in localities where they would be no offence to the neighbourhood in which they are placed. It would certainly be an enormous advantage to London to have abattoirs in districts beyond the great population, so as to prevent the necessity of driving cattle through its crowded streets. There are many other advantages to which Mr. Whitehurst refers in his pamphlet. This is one of those things that cannot be left to our vestries. They still tolerate slaughter-houses of the most offensive description in private houses, in the midst of the most densely populated districts of the metropolis, and could hardly be expected to initiate such a movement. The public takes no interest in those matters, and we are unwillingly driven to look to the Government for help. The glory of our country is no doubt her municipal institutions; but their degeneracy in these days is leading men more and more to look for help from Government. Hence Mr. Whitehurst's letter to the Lord President.

*On the Sanitary Management and Utilisation of Sewage; containing Details of a System applicable to Cottages, Dwelling-houses, Public Buildings, and Towns, Suggestions relating to the Arterial Drainage of the Country and the Water-supply of Rivers.* By WILLIAM MENZIES, Deputy Surveyor of Windsor Forest and Parks. Longman and Co.

Lord Derby once offered a prize of 200*l.* to any one who would successfully utilise the sewage of a town with 5000 inhabitants. We have never heard of a successful competitor for the prize, but the author of this work has certainly done more towards elucidating the difficult problem of sewage utilisation, and has gone a step further in this direction than any other sanitary engineer. The whole work is eminently practical. The plans for the sanitary construction of house-drains and closets, those for irrigation with sewage-water, as well as various hints and cautions for persons who desire information, are such as will be found in no other work on the subject.

One fact, and that not generally believed, although it lies at the root of all our difficulties in regard to the sewage utilisation of towns, is fully discussed in the work, namely, the present practice of allowing all rainfall-waters and street-washings to pass into main drains, diluting the manurial ingredients so as to render them of comparatively little value for agricultural purposes, and entailing engineering difficulties which prevent them being brought into use.

The extreme amount of dilution which agricultural experience has found to be best for sewage irrigation, is about fifteen gallons of water per head of the population of the towns drained. The average supply of water-companies in most towns is about twenty-five gallons per head, but Mr. Menzies shows very clearly that surface rain-water, storm-waters, and street-waterings dilute the sewage generally not less than 200 gallons; therefore he suggests, as a necessity, a separate drainage before any scheme can be adopted for the thorough and economical utilisation of sewage products. By this plan he entertains hopes that it may be accomplished, while at the same time it furnishes the remedy for injury to our rivers and streams, saves expense in the construction of tanks and pumping-apparatus, simplifies and diminishes the size of drains, and encourages every practical attempt to utilise the sewage.



*Suggestions for Amendments in the Nuisances Removal Acts, Diseases Prevention Acts, Common Lodging-houses Acts, Water Acts, and Building Acts.* By the METROPOLITAN ASSOCIATION OF MEDICAL OFFICERS OF HEALTH. H. Renshaw, Strand.

Special attention has for some time been given by members of this association to defects in the existing sanitary laws. Dr. Druitt made this subject the basis of an opening address, mentioned in our journal last month. In this pamphlet various suggestions are made touching trade-nuisances, slaughterings, cow-houses, overcrowding work-rooms, public buildings. In the Diseases Prevention Act, the following appear to be the most important provisions demanded: (a) Power to remove from dwelling-houses dead bodies of persons who have succumbed from contagious diseases; (b) Power to require the removal of persons sick from infectious diseases to an hospital or other place provided for their reception; (c) Local authorities should have power to provide appropriate means for the disinfection of bedding, clothes, &c.; (d) Schoolmasters of national, parochial, infant, or ragged schools should be required to give notice to medical officers of health of epidemic or contagious disease occurring amongst children in the schools; (e) Persons suffering from small-pox, if exposing themselves in public, should be summarily indicted; (f) No licensed public carriage should be used for the conveyance of any person obviously sick to any hospital or infirmary; (g) In Clause 12 of Nuisances Removal Act it should be made compulsory, and not permissive, for local authority to convey, or cause to be conveyed, the sick, &c.

The "Common Lodging-house Act" ought to extend its power in the metropolis to call upon the owners of certain houses, sublet to several families for short periods, to register their houses, so that local authorities could be empowered to visit, inspect, and lay down regulations as to sanitary arrangements, number of occupants, &c. The important question of overcrowding would probably be best dealt with for the present by this means. Valuable suggestions are made, not only for the supply of water to houses, but for cisterns and apparatus to be kept clean, covered, repaired, and renewed.

In the Building Acts, plans of construction, ventilation, drainage, foundation-works, &c., should be certified by local authority, who should also have power of closing houses "unfit for human habitation."

The purity and periodical analysis of milk, a penalty on housekeepers for keeping offensive dust-bins, the inspection by proper officers of the dwellings of all persons chargeable to the poor rate, free access to all records and books kept by the Poor Law necessary for sanitary officers in the execution of their duty, and other matters of this kind, are amongst the suggestions offered for the consideration of those who propose to amend the existing sanitary Acts.

*The Municipal Government of the Metropolis.* By a LONDONER. R. Hardwicke, 192, Piccadilly.

The metropolis of the world, instead of being a model of efficient and economical government, possesses one of the most complicated systems in everything that regards paving, lighting, cleansing, water and gas-supply, and with administration of relief to the poor, or in the execution of local improvements.

Each public department differs from the boundaries and districts adopted by every other department. For ecclesiastical purposes, the diocese of London contains 2,570,079 persons; for parliamentary purposes, the eight cities and boroughs have a population of 2,465,973. The poor-law administration has thirty-nine districts; the registration of births, deaths, and marriages has thirty-seven divisions; the Local Management Act has thirty-nine parishes, population all different in amount; inland revenue, police authorities, county courts, post-office, and for militia purposes, different systems are adopted.

The author of the pamphlet indicates a scheme for London of eleven cities and boroughs divided into ninety-three wards, with suggestions for a permanent arrangement with very few alterations in the registration districts, so that statistics may be easily compared. Each city and borough should be governed by a court of common councilmen, which might have the management of the poor, the paving, lighting, local drainage, water, gas, &c. Each ward to elect a common councilman; each municipality to elect a certain number of representatives to form a central body, or Metro-

politan Board of Works. Eleven instead of eight boroughs would return Members to Parliament.

With regard to police courts, county courts, and district post-offices, the new system would require only four new buildings, while an equal, if not a greater number of old buildings might be sold.

The re-organisation here proposed would greatly simplify our local government, and, with the proposition of Mr. Beal for establishing new municipal authorities, would give the public better paved and cleaner streets, cheaper and better gas, and a more speedy removal of grievances that Londoners have much reason to complain of.

*The Harvest of the Sea; a Contribution to the Natural and Economical History of British Food Fishes.* By JAMES W. BERTRAM. London: John Murray.

This admirably illustrated work is written by a man who has a good knowledge of his subject. He draws attention to the possible and probable failure in the supply of fish as an article of food. The increasing pollution of some of our noble rivers having well-nigh spoiled them for the production of food from this part of the animal kingdom, demands attention from the Legislature; and we agree with the author of this work, that not only rivers, but to some extent sea-fisheries, ought to be under the control of some authority, unless we intend to allow the present state of things to go on until fish are driven away from the more favoured localities for their reproduction.

The work treats the subject of fish-culture in all its bearings, besides poaching and overfishing in the rivers and on the coast. The natural history of the oyster, cod-fish, salmon, and others, is ably discussed in these pages.

*A Letter addressed to the Right Honourable E. Cardwell, with illustrative documents on the condition of Jamaica.* By EDWARD B. UNDERHILL. London: Miall.

Every one interested in the Jamaica question should read Dr. Underhill's celebrated letter, especially as Governor Eyre has referred to it as one cause of the outbreak which he has put down with such terrible force. It will be some consolation after all if the tragedy in Jamaica should lead the people of England to endeavour to understand the true economical principles on which the coloured races with whom they are so extensively mixed up, ought to be treated. It is so commonly assumed that these races are weak and unintelligent, and therefore ought to be coerced, that anything which will disturb this delusion must be ultimately of benefit, both to the white and the black man. It has been over and over again demonstrated that the African negro can work and live and become a civilised being under free institutions where he is fairly and honourably treated, and history also shows that wherever he has been coerced, however much that coercion may at first have benefited his oppressor, that in the end it has always turned out an unprofitable and hazardous proceeding. Looking to first principles, the discontent and unhappiness of the coloured population of Jamaica might clearly have been anticipated, and in the hands of wise administrators the letter of Dr. Underhill would clearly have revealed that measures the very opposite of those which were adopted should have been had recourse to, if disastrous outbreaks were to be avoided.

*On the Supply of Water to London from the Sources of the River Severn.* By J. F. BATEMAN, C. E. London: Vacher and Sons.

Water is one of the great factors of life, without it there can be no vegetable or animal existence. To man it is not only necessary for the support of his animal life, but for his purposes as a civilised being. He needs water for washing, and for manufacturing. Deprive him of water and he becomes helpless, impoverished, diseased and degenerate. The quantity of water he employs is the test of his civilisation. The community that uses five gallons of water per head per diem, is less civilised than that which uses ten gallons, and so on. Mr. Bateman calls attention to the fact that although London has a tolerably supply from the Thames at the present day, that the water of the Thames has limits, but that the population of London has none. It is therefore a matter of importance to be casting about for future supplies. He shows



that in the course of a short time we must drink and use the Thames dry, and asks us to inquire where we must go next. With the proverbial slowness of London local authorities, we do not think Mr. Bateman has asked this question at all too soon. We need increased supplies of water at once, and it would be satisfactory to know that the future wants of this great metropolis were provided for. He suggests that we should at once attack the Severn. Perhaps this accounts for his objection to allow the good people of Cheltenham to have any of the Severn water. At any rate he shows that we could get all the water we want from the sources of the Severn. But he does not dwell on the great difficulty of the matter, and that is the "dog in the manger" question. There are some people who are utterly unaware that they possess anything of worth till some one else wants it, and then all at once they awake to the importance to their own existence, of that which they had never heard of before. It will be thus undoubtedly with the owners of the properties on which the Severn starts its course. Directly the London cow is anxious for a little straw from their manger, or water from their streams, they will declare it is utterly impossible that they should spare a drop. We have always thought it possible to bring water to London from the lakes of Wales, and when you have got as far as the Malverns your engineering difficulties would not be increased, and you would probably find a large supply, and less opposition amongst the owners of the higher Welsh mountains, than the proprietors of the rich hills and pastures of Montgomeryshire, Herefordshire, and Worcestershire. Mr. Bateman has evidently put his finger in the direction from which London must draw her further supplies of water. His pamphlet is well worth earnest attention. He shows that so far from his plan being impracticable, that it will cost London no more to obtain this water than it has cost Liverpool, Manchester, and Glasgow, to obtain their present admirable supplies of water. This question too is one in which the vestries of London need not to be consulted, and on this account less difficulty would be experienced in taking the initiative, and putting the plan in working order. It would be refreshing amidst all the cost and ruination of our short-sighted, do-nothing economy, to find the Government and the Metropolitan Board setting to work in earnest about securing a healthful supply of water to London.

*The Ethnology of London.* By J. B. BUDGETT, M.D. London: Hardwicke.

If Dr. Budgett had put his lucubrations into verse, we imagine they would have had a sale amongst that very numerous class of people who love to enjoy a joke at their neighbour's expense. No writing is more profitable than this. Some of the most lucrative speculations, both in the cheap and dear periodical press, are examples. Dr. Budgett's pamphlet is an amusing satire on the habits of London people, and if some persons should see themselves in his pages as in a mirror, it might be an advantage. Underneath all the Ethnology which Dr. Budgett has described as characteristic of the districts, streets, localities, and occupations of Londoners, there is much virtue and goodness; and we think it would have been an improvement in this brochure if the author had been able to show us some of the "pure gold" with which London after all abounds, in spite of its "dross."

*Report of the Health of Liverpool.* By W. S. TRENCH, M.D.

This is a very short, but significant Report. Dr. Trench says:—

"The fourth quarter of 1865, which terminated on Saturday last, 30th December, has been the sickliest season in Liverpool since the third quarter of the cholera epidemic year, 1849. During the thirteen weeks of October, November, and December, the number of deaths registered in the borough amounted to 4860 (being an increase of 748 on the corrected averages of the corresponding periods of the last ten years), and making its death-rate equal to 40.8 per 1000 per annum.

"Of the total deaths, 2463 or 50.6 per cent. were of children below five years of age, and of these 1465 or nearly 60 per cent. were infants below one year of age."

It is obvious that efforts of a more persistent and energetic character than have hitherto been made are required to reduce the enormous death-rate of Liverpool. This city has long been, unhappily, distinguished for its high death-rate, and its inhabitants ought to feel a heavy responsibility rests upon them as long as this fearful mortality distinguishes their population.



*The Fortnightly Review.* Chapman and Hall.

This journal is taking a high position in contemporary literature, by the ability which characterises its articles. In the December number are several papers touching on subjects connected with social science. A paper by Professor Tyndall on the Constitution of the Universe, deals with the fixed laws that regulate the phenomena of all nature, and is well worthy the perusal of every thoughtful person. In the same number is a paper by Mr. Ernest Hart, on the Condition of our State Hospitals. It is a searching exposure of the deficiencies of our workhouse infirmaries, and cannot but command the attention of the legislature. The first January number opens with an article by the editor, Mr. G. H. Lewes, on Auguste Comte, and should be read by all those desirous of knowing something of the career and habits of that remarkable philosopher. Mr. Lewes was personally acquainted with him, and was one of the first English authors to introduce the writings and speculations of Comte to the English public. In the same number is also an excellent paper by Mr. Frederic Harrison, on Industrial Co-operation. In the second January number is a paper entitled "Sanitary Reform," but more particularly directed to the question of water-supply. Mr. Arnold is quite of opinion that London should be casting around for further supplies of water, and endorses Mr. Bateman's plan for obtaining it from the sources of the Severn. This number is also noticeable for a paper by Mr. Anthony Trollope, on the Fourth Commandment, and for Professor Huxley's Lecture on Natural Knowledge, delivered as a lay sermon on Sunday, January 6, at St. Martin's Hall. Nor ought we to omit to mention a paper by Mr. Thomas Hare on the Keystone of Parliamentary Reform. He is an advocate of a Committee of the House of Commons to inquire "By what method the electors of the kingdom may severally have the most comprehensive choice of candidates to represent them in Parliament, and in municipal councils, so that every individual voter shall be able to exercise the franchise with the greatest certainty of effect, and in conformity with his most mature and deliberate judgment and conscientious sense of duty;" and also to ascertain whether this may be done without the disfranchisement of present boroughs.

*On the Scientific Investigation of Diseases in Animals and Man.* By F. R. S. and F. R. C. P. London: Harrison.

The author of this pamphlet, looking at the little that is really known with regard to contagious diseases attacking man and the lower animals in which he is interested, thinks it would be a wise and economical expenditure of money on the part of the Government to institute a commission of scientific men to make experiments. He says, nobody doubts the utility of the experiments on guns and armour plates at Shoeburyness for the purpose of keeping off our enemies, and advocates the same recourse to experiment, in order that we may be better able to keep off the contagious which destroy our populations and our flocks and herds. He appeals to the success of the money grants of the British Association for the advancement of Science, as a proof that money might be usefully expended in the particular case to which he draws attention. Such a subject is undoubtedly worthy the attention of the Science and Art Department of the Government; but where are the men of science in our Government or our Parliament who could take the initiative in promoting such inquiries? The whole history of the way in which the cattle plague has been allowed to come into this country and pursue its desolating course without let or hindrance, shows how utterly incompetent our authorities are to deal with subjects involving scientific knowledge and experiment.

## MONTHLY CHRONICLE.

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**The Cattle Plague.**—The disease, as we anticipated, has been steadily advancing. The deaths have risen from three to ten thousand in the week, and already 100,000, or about one in every eighty of the cattle of the country, have perished. It is perhaps now too late to “stamp out” the disease; but those who have opposed this plan of action, and denied the contagiousness of the disease, must feel the responsibility they have incurred. A return to a natural state of mind, and one in which we may hope much good is still to be effected, will be found in the following letter which has somehow or other found its way into the *Times*.—“Sir,—Supposing that by this time the doctrine of the Mansion House in regard to Sanitariums, and its advocacy by the *Times*, are exploded and given up, and, if possible, the more wretched but equally mischievous doctrines of homœopaths are also by this time abandoned, there is some hope that the unanimous and clearly-spoken views of the Royal Agricultural Society, and the deputations of forty counties expressing the same sentiments, will be embodied in some clear and unmistakable recommendations and edicts from the Privy Council forthwith. The measure of slaughtering at the outports would, no doubt, effectually deal with foreign cattle; but the advice of sending the butcher to the farm for the same purpose is not so easy or free from objection. Many persons, to my knowledge, have warned off the butcher and farrier from their premises, as they are in the habit of constantly killing or being employed about infected or suspicious animals. The offal of eight or nine bullocks or cows is not so easily disposed of, and nothing conveys the infection so readily. The trade of bringing mangold to London and taking back manure is almost annihilated, and the infected manure conveyed by rail and water will, no doubt, preserve the disease for some time. The worst part of the case is the collusion between farmers and cattle jobbers whose trade is annihilated. The practice of selling at least doubtful animals prevails to a great extent. This fact is well known in Victoria-street, and, unless the police have some special reward upon conviction, driving at night and collusion will not easily be put a stop to. The mischievous statement that seventy-five beasts were cured in Holland, which went the round of the papers to suit the homœopaths, was coined in this way: The two or three out of twenty that sometimes survive the attack, all that survive from the lungs complaint, and the whole from the foot and mouth that get well of themselves, make up the rest; the statement being utterly at variance with the facts. The cattle conveyed by rail through Holland are not suffered to touch the soil, but are put on board ship directly. The authorities were astounded when they heard that 75 per cent. were cured in Holland. It would be a great boon if the Government, upon the authority of Victoria-street, would make known an easy chemical mode of

converting the offal of diseased or suspected animals into agricultural manure, which no doubt can be done, as it is well known that bad fish is converted in this way, and used in powder. Unfortunately, the real disease, the lungs complaint, and the mouth and foot complaint, resemble each other to some extent to ignorant veterinarians. This adds greatly to the annoyance and perplexity of the infliction. It would be a great blessing if the Government would decide on something, and not take advantage of their position to do what they please—anything or nothing. Having no opposition to take advantage of any shortcomings, the sagacious Emperor of the French and his Minister of Agriculture well know how to best deal with this matter. At this moment Boulogne is enjoying good meat of all kinds; butter, cream, and milk, without fear and without stint. We are making frantic efforts to know the number of animals, ovine and bovine, that there may be in the country. Many other questions are much more pressing. The roast beef of Old England is in danger, and calls upon the Government to protect it.—I remain, Sir, your obedient servant, J. T. TYRELL.” The most novel feature in the history of the disease has been the suspicion that the Rinderpest is nothing more nor less than small-pox. Should this turn out to be true, then it is to be hoped that we have the same remedy for the cattle plague that we have for human small-pox, that is, vaccination. The investigation of the disease from this point of view has been pursued with great energy and skill by Dr. Murchison, and the result of his inquiries, which have been given in a series of communications to the *Lancet*, are highly favourable to this view of the subject. The *Lancet* of January 20th thus summarises the result of Dr. Murchison’s inquiries: “Dr. Bellyse, of Nantwich, had five cows which he vaccinated on the 1st of January, four successfully and one unsuccessfully; the latter he revaccinated, but on the day following the operation it was seized with Rinderpest, which in two days proved fatal. The four cases successfully vaccinated are still healthy. Further important evidence will be found in other cases related on the authority of Dr. Bellyse, and of Dr. Vaughan and Dr. Lord of Crewe, to the effect that vaccination has acted in greatly modifying the virulence of the disease when the cattle plague has attacked cows within a few days of their vaccination, and before the full constitutional protection had been obtained. The interesting circumstance of the retardation of the vaccine pustule is noted in some of the cases—a fact of the greater significance inasmuch as it accords with what is observed when small-pox attacks recently vaccinated human beings. Mr. Matthews, surgeon, of Nantwich, supplies a large amount of information. He has vaccinated upwards of 600 cows with great success. In one instance a herd of ten cows was vaccinated on January 6th: in nine the operation was successful; in one it failed. The unsuccessful one was attacked with Rinderpest, and died; the others remain well. In another herd of twenty-nine cows, the operation was successful in all but six cases. At the time of the operation a number of calves on the same farm were ill with Rinderpest, six of which have since died. Three of the cows have also been attacked, and one has died; but these



were three of those in which the vaccination was not successful. The others remain well. In all the other herds which had been vaccinated by Mr. Mathews, the circumstances thus far favour the belief that vaccination is protective against the Rinderpest in most cases, and in all modifies its severity." The following return has been issued from the Veterinary Department of the Privy Council Office. It does not profess to give the total number of cases which have occurred in Great Britain, but only those which have been ascertained from the official information received at the office from inspectors, whether appointed by the Clerk of the Council or by the local authorities. The divisions of England are those of the Census. Column 1 only records the cases reported as having commenced during the weeks indicated by the headings, "back" cases being added to column 2 :

Census Divisions.	I. Number Attacked.			II. Result of reported Cases from the Com- mencement of the Disease.				
	Week ending January 13.	Week ending January 6.	Week ending December 30.	Attacked.	Killed	Died.	Recovered.	Remaining.
Metropolitan Police District .....	38	67	31	7,395	3,126	3,364	312	593
South-Eastern Co. ....	30	107	64	4,730	1,475	2,639	407	209
South Midland Co. ...	681	786	1,381	8,397	1,646	5,405	547	799
Eastern Counties .....	265	260	196	7,155	2,660	3,457	465	573
South-Western Co. ...	40	59	85	902	237	476	90	99
West Midland Co. ....	264	251	143	2,489	459	1,419	212	399
North Midland Co. ...	565	455	530	3,631	493	2,377	265	496
North-Western Co. ...	2,465	1,964	1,823	11,612	531	7,690	775	2,616
Yorkshire .....	1,508	2,028	1,446	14,200	825	8,803	1,961	2,611
Northern Counties.....	216	175	213	2,019	543	949	208	319
Monmouthshire and Wales .....	661	319	206	3,831	96	2,822	357	556
Scotland .....	2,510	2,649	1,975	27,895	3,304	15,990	4,409	4,192
Total.....	9,243	9,120	8,093	94,256	15,395	55,391	10,008	13,462

ALEXANDER WILLIAMS, Sec.

Veterinary Department of the Privy Council-office,  
2, Victoria-street, S.W., Jan. 18.

With regard to this matter, it is well that England should know what other countries think of her at this juncture. Here is the opinion of M. Bouley, a distinguished Frenchman, delivered before the French Academy of Medicine: "In a former communication, after my return from England, I predicted," he said, "that England would have to pay in millions the faults she was committing in not opposing to the scourge the barriers which for fifty years had arrested its progress in Germany. Already 60,000 cattle have been officially declared as destroyed, and doubtless the real number is much greater. The disease

is even on the increase. The causes of this disaster are many; the powerlessness of the central government, its constitutional scruples keeping it from assuming the responsibility of energetic action; freedom of markets; concentration of cattle in weekly markets, which thus become focuses of infection, private interests acting in opposition to the public good. But what is the reason of all this? It is the ignorance of the Government and of the public, which has been systematically fostered by the daily press. The public, unfortunately, have no faith in veterinary science in England; and this want of faith is not altogether undeserved. Doubtless there are some veterinaries of the highest intelligence, who would have saved the country from all these disasters, had their voices been heard; but the great body of veterinaries have no influence over public opinion. This powerlessness of the profession I attribute to their defective education. Holland has committed the same fault. There the central Government is also wanting in power. Each burgomaster is the little king of his district, and every proprietor is lord in his own domain. M. Reynal tells us of a proprietor who, on being informed that his stalls were to be inspected, placed himself at the door with an axe in his hand, and threatened to finish the first inspector who dared to enter his sacred home! In Belgium, where the sanitary laws are the same as those of France, things have gone much better. Only five or six hundred oxen have been lost there, thanks to the energy with which the disease has been met. In France, the moment the disease was recognised, the Government instantly set energetically to work. Unhappily, only two days before the issue of the Imperial decree, an infected cow had been imported from Malines into the commune of Waterloo (whose name recalls another fatal event). From thence the disease was imported into the Pas de Calais. But, thanks to the measures enforced, not more than forty-three animals were lost, and in a few weeks the disease was eradicated; and no case has occurred in any other part of France—a marvellous result compared with the misfortunes of England and of Holland, and which shows what a provident Government, which has sense enough to listen to the teachings of science, can do.” There is perhaps no country in the world that suffers so much as England from the ignorance of her Government, press, and people of the first principles of natural science. No heed was given to the warning voices that were lifted up pointing out the true nature of the cattle disease, and the way to arrest it. Fortunately, the disease has been confined to cattle, and at present only four millions of hard cash have been as good as cast into the sea; but have we not got typhus and human life to deal with? and shall we not next year have cholera? and the babblers and confusionists will be listened to, and knowledge and sound sense will lift up their voices in vain.

**Continued Fever in London.**—One of the most dreadful indications of sanitary neglect in London is the prevalence of typhoid and typhus fevers. These diseases are both of them contagious fevers, and distinguished from each other by their symptoms and origin. Typhus is the disease of overcrowded and underfed populations, whilst typhoid pre-

vails wherever the water or drainage is bad. The Registrar-General does not distinguish these two diseases; they are both the offspring of the same parents—poverty and dirt. That they can be prevented and put down is shown by their history. They only spread where dirt and filth prevail. If persons who live in cleanly and well-ventilated houses catch them, they do not spread. The doctor whose duty leads him to the dwellings of the poor to attend these diseases often takes them himself, but they do not spread in his rooms. Dr. Roberts, of St. Pancras Workhouse, took the disease from patients brought from outside, and died in the workhouse, but the disease spread no further. Dr. Stewart, of University College Hospital, caught typhus by attending patients out of the hospital, and died in the hospital, but it has not spread there. Typhus and typhoid can be arrested in their progress as surely as fire, but analogous means must be employed. If men stood and looked on at a fire instead of attempting to put it out, it would spread. So it is with fever. The question comes, Whose duty it is to stop fever? Although the Legislature has in the most unequivocal manner thrown this duty upon the vestries of the metropolis, they do not seem alive to the fact. Dr. Jeaffreson, late of the London Fever Hospital, has been engaged in the meritorious work of pointing out the districts of London in which fever constantly prevails. He has described with a graphic pen the destitution and wretchedness of the homes where typhus constantly prevails. Nor is it alone in the poorer vestry districts of London that continued fever prevails. It is found in the wealthy parishes of Marylebone and St. Pancras, as well as the poverty-stricken districts of Bermondsey and Bethnal-green. Wherever it exists, there is no necessity for it. There is not a medical officer of health in the metropolis who, if allowed to deal with the typhus of his district in a proper manner, would not be able to crush it in a few weeks. Where, then, is the hindrance? Clearly in the ignorance and parsimony of the vestries. Dr. Jeaffreson has taken the trouble to analyse the composition of several of the vestries of the parishes where typhus prevails, and he shows that the majority of them are men whose education and position in life do not fit them to comprehend the nature or importance of sanitary arrangements. A large number of them are small tradesmen, living themselves in houses whose sanitary condition is so wretched that their own families are not free from the evils which they are required to remove from the houses of others. If they submit to foul water, bad drainage, and overcrowding in their own homes, it is hardly to be expected that they can be otherwise than indifferent to the requirements of the homes of others. There is no doubt that the majority of vestries in London (and there are about fifty of them) are sceptical as to sanitary measures altogether. They look upon the medical officer of health as an unnecessary nuisance, and threaten him with dismissal if he performs his duties conscientiously. Three of the wealthiest parishes in the West-end of London have within the last few years reduced the salaries of their medical officers of health, and thus given them an unequivocal hint that the less they do the better they will be liked. The one great object of one of these smaller vestrymen is economy. About this he is earnest and conscientious. He



has not the ability to see that his penny-wisdom is pound-folly. Hence all improvements—in fact, everything that does not yield a money return for money laid out—is neglected, and the loss, the immense loss, of the community is concealed from their gaze. It is only fair to add that this is not the fault of the men. The municipal institutions of England, if worked faithfully, are capable of much better fruit than this. The real reason why our vestries fall into the hands of this class of men is the indifference of London people to their municipal institutions. The majority of London tradesmen pay their rates and never give a thought as to who imposes them or who spends them. If he is wealthy, and is asked to become a vestryman, he feels insulted. If asked to help local institutions, he says his residence is in the suburbs. If he is asked to do anything in the suburbs, he says his business is in town; and thus he shirks his responsibility. He is, however, frequently mean enough to criticise with great severity the proceedings of his poorer neighbours, whom his own conduct compels to conduct the parish affairs. An election of vestrymen seldom excites any interest in the parish, and thus the men who feel a little (very proper) pride in spending the enormous revenues of some of our parishes are allowed to do it and have it all their own way. The alternative, however, it is to be hoped, will not be Government management. Whilst men talk of vestry mismanagement, they must not talk of the better management of the Government. The sanitary history of our army, our navy, our colonies, our workhouses, all shows that to trust to irresponsible officers, appointed by political favour, would be to lean upon a broken reed. What we really want is to awaken a sense of responsibility amongst the inhabitants, the ratepayers of London. The vestries represent them; and if the vestries do not do their duty, it is because so large a portion of the community are utterly indifferent to the claims of their neighbours, and ask in selfish bewilderment, “Am I my brother’s keeper?”

**Mortuary Chapels.**—The necessity for places where the dead can be deposited whilst waiting for interment is clearly seen in such cases as that which was brought to light by the coroner’s inquest held on the body of James Brads, who died of typhus fever in Providence-place, in Lisson-grove, in the parish of Marylebone. It was stated in evidence that the room in which the dead body lay was inhabited by the father and mother of the boy and two children, and that it contained but 1000 cubic feet of air. This was 200 cubic feet for each person, including the dead body. Nothing could be more dangerous to the health of those living in the room than having to sleep with a body that had died of typhus fever. There is no law to compel the removal of a dead body under these circumstances; but if chapels were erected with regard to the decencies and solemnity of the occasion, there is no doubt the poor would gladly avail themselves of them. At the present time the parish dead-houses of the metropolis are quite shocking to contemplate, and it is no wonder that the poor instinctively shrink from allowing their dead to be deposited in them. In the great majority of cases, too, they are connected with the workhouse, and it is impossible in the minds of the poor to dissociate them from pauperism and parish

relief. In every parish power is conferred by the 15th and 16th Vict., c. 86, sec. 43, which says: "If it be the will of the parishioners in vestry to have mortuary chapels, they can be erected by burial-boards, or by the churchwardens and overseers from the rates for the poor, when no burial-board exists." In such chapels there should be a room attached, fitted up for the purpose of conducting post-mortem examinations. At the present time in many of the dead-houses of London it is utterly impossible, from want of light and proper conveniences, that post-mortem examinations should be conducted efficiently; and the ends of justice might even be defeated by the dirty dens in which medical men are expected to spend some hours in making their investigations. Attached also to such chapels should be a room especially adapted for keeping bodies that are unrecognised, so that they may not decompose and lose their recognisable features. At the present day science has supplied a number of means by which bodies may be kept, and thus the frequent recourse to exhumation might be prevented.

**New Metropolitan Fire Brigade Act.**—The new Act to establish a Fire Brigade in the metropolis for the protection of life and property has come into operation. The brigade will be under the management of the Metropolitan Board of Works, and Captain Shaw is the chief officer, with an efficient force of officers and men. It is estimated that the annual expense will be about £50,000. Of that sum the Government will pay £10,000, and the contributions from the various fire insurance companies which they are required to make will amount to another £10,000, and the remaining £30,000 will be raised by a half-penny in the pound rate on the metropolis. The plant of the existing fire establishment is transferred to the Board, and an efficient force maintained for the performance of the duties now undertaken by the Board. Regulations are to be made and enforced. The vestry of a parish may grant compensation to an engine-keeper for loss of his office by the Act. The Board may make arrangements as to the establishing of fire escapes throughout the metropolis. The Board may borrow £40,000, with consent of the Treasury, to carry out the Act. There is a provision as to "chimneys on fire," which is of public importance. The occupier is liable to a penalty of 20s.; but if such occupier proves that he has incurred the penalty by reason of the neglect or wilful neglect of any other person, he may recover summarily from such person the whole or part of the penalty he may have incurred as occupier. The brigade may be employed beyond the metropolis, and on "special services." The parish "plugs" are to be under the control of the Board, and the police are to aid the brigade in their duties.

**The Great Snow-storm.**—On Wednesday, the 14th of January, the night was clear, the air was mild, and nothing betokened the great change that was coming. The early morning of the 15th was accompanied by a snow-storm of unusual intensity and extent. The trains were stopped, the telegraph wires broken, and the roads in many parts around the metropolis almost impassable. London, as usual, was utterly unprepared for the disaster. The snow fell upon ground that immediately commenced to thaw it, and by

the middle of the day the streets and pavements were one mass of sludge. No attempt was made to remove the snow on Thursday or Friday; fortunately the weather became mild on Saturday, and on Sunday morning the snow had disappeared, and London assumed its wonted aspect. But we shall have snow again, and, unless the local authorities anticipate it, we shall be again in the same condition, and perhaps worse than we were on Thursday, the 15th of January. In a city like London, where time is money, and human life of value, it would be an immense economy to have the snow removed from the roads and pavements. This is done in many small towns, and what is possible for a population of ten thousand is surely quite as possible for a population of three hundred times that number. Accidents innumerable occur for want of clearing the pavements of the snow. There is, to be sure, a police regulation whereby persons are required to clear the snow from the front of their houses on pain of a penalty of five shillings. This penalty is, we believe, seldom enforced, and a great number of the inhabitants disregard the notice. No clearings of the pavements by the side of Government offices and the parks ever take place. No one is answerable for uninhabited houses, and the majority of the streets of London are most dangerous to walk in after a fall of snow. As to the streets, little or no effort is made to remove the snow from them at all. This is only one of the innumerable instances in which it is seen that the management of the metropolis is at present most faulty, and requires the application of a system that shall study public convenience and the welfare of the great mass of the community.

#### Mortality of Cities in the United Kingdom in December, 1865.

—The following returns are made up from the Weekly Return of Births and Deaths in London, published by the authority of the Registrar-General. These returns are not quite complete. In the following table the returns for Edinburgh and Glasgow are made in four weeks' returns, whilst those of Dublin are on three weeks' returns. The rest are calculated on five weeks' returns. The towns with highest rate of mortality are placed first.

1. Liverpool . . . . .	43	in 1000	per annum.
2. Salford . . . . .	39	"	"
3. Manchester . . . . .	36	"	"
4. Leeds . . . . .	33	"	"
5. Glasgow . . . . .	32	"	"
6. Hull . . . . .	29	"	"
7. Bristol . . . . .	28	"	"
8. Edinburgh . . . . .	29	"	"
9. London . . . . .	26	"	"
10. Birmingham . . . . .	23	"	"
11. Dublin . . . . .	21	"	"

In reading these tables, it should be understood that the number of deaths in the 1000 is calculated from the mortality of the week, and given as that of the year. For instance, the deaths in Liverpool during the month of December were at the rate of 43 in the 1000 for the year. These death-rates are in every way worth the study of the statesman and the philanthropist.



## PROCEEDINGS OF SOCIETIES.

### COMMONS AND OPEN SPACES.

A public meeting was called by this society on Wednesday the 25th January, at the Mansion House, in favour of a measure being introduced into Parliament in the ensuing session, for preserving the commons and open spaces round the metropolis for the use of the public. The Lord Mayor presided. Among those present were Mr. J. Locke, M.P.; Mr. C. Buxton, M.P.; Mr. Chambers (Common Serjeant), M.P.; Mr. T. Hughes, M.P.; Professor Fawcett, M.P.; Mr. Shaw Lefevre, M.P.; Sir T. F. Buxton, M.P.; Aldermen Hale (ex-Lord Mayor), Lawrence, M.P., Rose, Lusk, M.P., and Besley; Dr. Lankester, Mr. Scott (City Chamberlain); Messrs. Carpmael and Le Breton (of the Metropolitan Board of Works); Mr. Gassier, J.P.; Mr. Taylor, Mr. Bontems (Islington Vestry); Mr. G. Saywell (Clerkenwell Vestry); Colonel Adair, Mr. F. C. Buckmaster (Wandsworth-common), and a good many other gentlemen representing the influence and wealth of the metropolis.

The Lord Mayor thought that the object for which the meeting had been called was one of great importance and of public interest. When they took into consideration the condition of this vast metropolis, with its three millions of inhabitants, and the several evils attendant on residence in a great commercial city, he thought it became them to consider whether the time had not arrived when that all-important subject—the open spaces in the suburbs of London—should not receive the careful consideration of the representatives of the people in general.

Mr. J. Locke, M.P., moved the first resolution as follows: "That the preservation of the commons and open spaces in the metropolis is absolutely essential to the health and requirements of the public." He called attention to the course which had already been taken on the question, and the progress which had been made in Parliament in furtherance of the object sought to be attained. He showed that, according to the Enclosure Act of 1845, no enclosure could take place within fifteen miles of the city of London, or within certain distances of towns of certain magnitude, without the sanction of Parliament. He disapproved of the proposition of the Metropolitan Board of Works respecting the matter, declared his strong opposition to the sale of any of the lands in question, and expressed his belief that, if pressed, the Government would bring in a bill on the subject. A society had been formed to carry out these objects, and it was to that society, with the concurrence of the Lord Mayor, was due the calling of the meeting that day. Connected with that society were already the Bishop of London, the Dean of Westminster, the Dean of St. Paul's, and other influential gentlemen.

Alderman Lawrence, M.P., seconded the motion. In doing so he protested against any attempt at depriving the inhabitants of the me-

metropolis of its commons and open spaces, and he hoped that the meeting that day, in the name of the millions interested, would raise its voice against any such innovation. He also protested against the doctrine that the public had no right to these open spaces, but that they were confined solely to the lord of the manor and the commoners.

Alderman Rose supported the motion, and said what was wanted was a legislative enactment to deal with the rights of lords of the manors.

Mr. Le Breton, member of the Metropolitan Board, assured Mr. Locke that it was not in the spirit of aggrandisement that the Metropolitan Board of Works made the proposition referred to by that hon. gentleman, but because they felt that they were the proper representative body to take the matter in hand. He thought he might say that Sir John Thwaites did not intend disposing of any large portion of these places. The only thing the Metropolitan Board wanted was to preserve, as far as possible, the rights of the public to these open spaces; and he hoped that the Metropolitan Board and the committee which had been appointed would work harmoniously together on the question.

Mr. Scott, chamberlain of London, considered that in dealing with the question they should not confine their calculations to 3,000,000 of inhabitants. From some figures which he had put together he found that in 1861 there were 3,222,717 persons living within an area of sixteen miles, taking Charing-cross as a centre-point, which was the circle required by the committee referred to by Mr. Locke. A constant increase of population had been going on within that area during the past half-century. Taking the period between 1801 and 1861, a period of sixty years, he found that there had been as near as possible a regular increase every ten years of 19.6-10 per cent. In fifty years hence, if this increase went on, the population would be, within the same period 8,532,000 souls—as many as half the population of Great Britain. It would, in his opinion, be necessary to provide at least for a population extending over a radius of twenty miles.

Mr. Shaw Lefevre, M.P., moved the next resolution. He intimated that Mr. Alcock, of Emson, Croydon, and other lords of manors, had agreed to give up their rights for the benefit of the public, and laid before the meeting a statement as to what had, up to the present, been done towards accomplishing the object for which the meeting had been called. The resolution was to the effect, "That in the opinion of the meeting it is incumbent on the Legislature to deal with the question of commons and open spaces, and that this meeting pledges itself to support the Preservation Society in its efforts to press the subject on Parliament."

Mr. T. Hughes, M.P., in seconding the motion, said he believed that open spaces and green trees tended to create a love of country; and he considered the preservation of the commons and open spaces of the metropolis would have this as well as a healthful effect on the inhabitants generally. He therefore highly approved of the present movement. Indeed, he considered the importance of the question could not be overrated. It was, in his opinion, absolutely necessary

that the best efforts should be made to keep every foot of unenclosed land from encroachments from any quarter.

Mr. Gassier, J.P., supported the motion, and urged the society to persevere in their efforts. If they did so he had no doubt they would succeed.

Mr. Taylor, who announced himself as a conservator of one of the prettiest commons near London—that of Barnes—also supported the motion, and recommended the advisability of something practical being at once entered upon.

Mr. C. Buxton, M.P., pointed to the Tower Hamlets, with its 300,000 or 400,000 inhabitants, and dwelt upon the necessity of supplying this and other large thickly populated districts of the metropolis with opportunities of inhaling fresh air and obtaining recreation. Unless something was done, he believed that in a short time the poor people of London would be deprived of all means of rational healthful pleasure. The object for which the society was established had his most earnest support. Mr. Carpmael (member of the Metropolitan Board of Works) spoke in favour of the movement.

Sir Wm. Fraser moved that subscriptions in support of the object of the society be invited from those present, and that a list of subscriptions be opened at the Mansion House.

Alderman Besley seconded the motion, and it was agreed to *nem. con.*

Sir F. Buxton, M.P., moved that a petition be presented to both Houses of Parliament, urging immediate legislation on the subject of open spaces.

After some remarks in support of the motion from Mr. Toynbey and Colonel Adair, the latter gentleman suggesting that commanders of volunteer corps should be invited to interest the members of the various corps on the subject, the proposition was carried unanimously. On the motion of Mr. Locke, M.P., seconded by Mr. Lefevre, M.P., the meeting was brought to a close by the passing of a cordial vote of thanks to the Lord Mayor for his kindness in giving the hall for the occasion, and for presiding.

#### SHROPSHIRE SCIENTIFIC BRANCH OF THE BRITISH MEDICAL ASSOCIATION.

A paper on "Deodorisers and Disinfectants" was read by Thomas P. Blunt, B.A. Oxon, F.C.S., Shrewsbury, November 3rd, 1865.

The very idea of disinfection is grounded on the assumption that diseases of a certain class are capable of communication to a healthy subject, by means of minute material particles given off among the secretions or excretions from the body of a person affected by them; it is assumed that these particles, like all true organic substances, are capable of oxidation and destruction by certain chemical agents; and it is the power of producing this result which forms the essential property of the disinfectant. Since, however, the liability to infection is vastly increased, and the general health seriously impaired by many external conditions, among which the habitual presence of foul odours



takes a prominent place, various substances of another class have come into use, which, without possessing any general oxidising power, combine with and fix some of the gases which always accompany animal decomposition, and add greatly to its depressing influence upon the system.

These substances may be termed *deodorisers*, in contradistinction to the true disinfectant. Of the latter we shall speak first, as it forms by far the more important portion of the subject.

Disinfectants, then, owe their power in every case to nascent oxygen, *i.e.* to that gas in the act of emerging from a state of combination, under which circumstances its affinities are unusually strong, and it so far resembles that much talked of, but little understood, body—ozone.

The hypochlorite of calcium, or “chloride of lime,” is the most valuable member of this group, since it alone, of all the substances at present in use, is capable of directly purifying the atmosphere, whether by decomposing gases diffused through it, or oxidising organic particles suspended in it, as well as of destroying the source of infection or pollution; this important end is attained by virtue of the property it possesses of disengaging hypochlorous acid by contact with water, and especially with mineral acids.

Hypochlorous acid consists of chlorine and hydrogen, one equivalent of each; that is, in the right proportion for forming hydrochloric or muriatic acid, combined loosely with one equivalent of oxygen. Hence, on contact with any organic particle, the latter gas is immediately surrendered to it, the result being the virtual combustion of the particle and the formation of hydrochloric acid. The hypochlorite of calcium itself acts in an exactly similar manner if it be brought, either in solution or in the solid form, into direct contact with the matter to be destroyed, the residue of the reaction being here chloride of calcium; the organic substance is, of course, in each case decomposed by the oxidation of its carbon to carbonic acid, as if it were subjected to actual combustion. It may be remarked in passing, that chlorine itself is comparatively inert as a disinfectant, the little power it possesses being due to its reaction with the moisture of the atmosphere to form hypochlorous acid. From these facts we may draw two practical conclusions:—

(a) That where an atmosphere is to be disinfected, a mixture should be made of the solid chloride of lime with a mineral acid—the hydrochloric by preference—in order to set free, as far as possible, the combined hypochlorous acid.

(b) That where fixed matter only is under treatment, the action of the hypochlorite will be more perfect and concentrated, if it be allowed to retain its normal alkaline condition. It may, perhaps, be used with advantage under the latter circumstances in the state of solution, which promotes its diffusion amongst the substances submitted to its action.

The disinfectants next in value to “chloride of lime” are undoubtedly the solutions of the manganate and permanganate of potassium, commonly known as “Condy’s green” and “red disinfecting fluids,” respectively; they consist essentially of highly oxidised com-

pounds of manganese, of an unstable character, which readily yield up the greater portion of their oxygen to any organic substance presented to them. The permanganate of potassium contains, weight for weight, a larger proportion of loosely combined oxygen than the manganate, and, where solutions of equal strength are used, is so far the better preparation.

Condy's fluids, from their non-volatile character, act only on fixed substances; and it may be well to draw attention to a serious error found in the directions for their use which usually accompany them. It is there stated that cloths may be saturated with the fluids, and waved in the infected atmosphere, which will be thus purified. The fact, as I can readily demonstrate to you, is, that on contact with cloth or any similar substance, such as paper or the human skin, the compounds are decomposed as completely as by foul gas or any other objectionable matter; and their efficacy is thus at once destroyed. It seems probable, however, that the solutions might be used with advantage in another way—viz. by dispersion in the air by means of one of Rimmel's "odorators," one of which I have in my hand—a method suggested a short time ago for use with a solution of peroxide of hydrogen.

The oppressive, and perhaps infectious, atmosphere of the sick-room might thus be rendered fresh and wholesome. The experiment is at least worth a trial.

Charcoal, when freshly burned, has a powerful action in the destruction of noxious vapours, and presumably, also, of the germs of infection when contained in fixed matters, and thus capable of contact with it; though, when suspended in the atmosphere, they would only be destroyed within a certain radius around it. Its activity is due to a remarkable property which it possesses of condensing oxygen within its pores to the extent of many times its own volume. The gas, when thus compressed, has much the power of combination which characterises it when in the nascent condition.

The natural deodorising power of fresh earth, which is worthy of special notice, is probably due to a similar property, which all porous bodies display in greater or less degree. Some such account as this must be given of two disinfectants which have been much advertised lately—viz., Bird's and Macdougall's. Bird's disinfectant consists of a clay—apparently fuller's earth—in a dry condition, and flavoured with carbolic acid, commonly called creosote-oil, which has itself an antiseptic action, and may supplement that of the earth by checking further fermentation in the substance to be deodorised. Macdougall's disinfectant has a powerful smell of gas-liquor, and, upon analysis, appeared to consist of the carbonate and the sulphite of lime, with a little gypsum or sulphate of lime, a trace of oxide of iron and of organic matter, of strong odour. It is just such a substance as would be formed by exposing the refuse lime which has been used as a gas-purifier to the atmosphere for a considerable time.

We have now to consider the class, deodorisers. Solutions of the nitrate of lead and the chloride of zinc, the latter of which passes by the name of Burnett's fluid, both come under this head; they decom-



pose sulphuretted hydrogen, with formation of sulphide of the metal and free acid. The solution of nitrate of lead is preferable to that of chloride of zinc, for two reasons :

1. Because it is capable of acting in the presence of an acid ; while the chloride of zinc is inert, unless the substance subjected to its action is in either a neutral or alkaline condition.

2. Because the nitric acid set free during the reaction (where there is not sufficient ammonia present to neutralise it) is in itself a powerful oxidising agent, and, when reduced by organic matters, is converted into the lower oxides of nitrogen (hyponitric acid, &c.), which are bodies of even greater oxidising power than itself, and possess many of the properties of hypochlorous acid.

*Lime* derives its deodorising faculty from its property of fixing sulphuretted hydrogen by the formation of sulphide of calcium and water ; and partly also, no doubt, from its earthy character.

The peroxide of iron, well known as the subject of many recent patents as an agent for the purification of coal-gas from sulphuretted hydrogen, acts upon and decomposes the latter by converting its hydrogen into water, losing oxygen in the process, and becoming reduced to protoxide. The sulphur is precipitated in the form of powder. Now, since, upon exposure to air and moisture, the protoxide of iron readily resumes the oxygen necessary for its conversion into peroxide, the mere spreading of the exhausted compound in thin layers, in an open place, is sufficient to restore its power until it becomes completely clogged with sulphur.

The persalts of iron in solution thus form useful deodorisers ; and I believe they are at present prepared in large quantities for the purpose.

From these facts may be drawn the following conclusions :

1. That the only disinfectants upon which full reliance can be placed are, (a) the chloride of lime, solid or in solution, neutral or used in conjunction with mineral acids, according to circumstances ; and (b) Condy's fluids, the red by preference.

2. That, as the matter stands at present, the chloride of lime is more worthy of confidence where an atmosphere, in contradistinction to a fixed source of infection, is to be purified ; but that otherwise the "Condy's fluid" has great advantage in the absence of the pungent and disagreeable smell which always attends the use of chloride of lime.

3. That mere deodorisers have a tendency to produce fatal deception, by destroying the disagreeable smell of dangerous substances, which, while it is nature's index of their poisonous character, is itself of minor importance from a sanitary point of view.

COMMONS PRESERVATION SOCIETY : Offices, 29, Parliament-street.

The objects of the society are to assist in maintaining, preserving, and improving the commons and open spaces in the neighbourhood of the metropolis ; to promote the passing through Parliament of the necessary measures for defining and amending the law in accordance with the resolutions of the committee of the House of Commons ; and generally to watch the interests of the public in respect of all commons and open spaces which it is important should be preserved.



The attention of the Government has been directed, in recent years, to the necessity of obtaining open spaces in the metropolis, and parks have been formed at an enormous cost to the country. Public parks have been made in the district formerly known as Marylebone-fields, and now called the Regent's Park, at Battersea, at Hackney; and a park is in course of formation at Hornsey, to be called Finsbury Park.

Commons are the parks of nature; they cannot be created, and, if once destroyed, they cannot be restored. The cost of their maintenance is comparatively trifling; the only question is how to preserve them for the use of the public. As to the best mode of doing this, Parliament last session directed an inquiry respecting the commons and existing open spaces within the metropolitan area; and that inquiry has established beyond doubt the urgency of some legislation on the subject. A careful perusal of the report of that committee is recommended to all who take an interest in the question.

Hitherto all the legislation which has taken place with respect to commons, from the time of the reign of Henry III. down to the Inclosure Acts of the present day, has exclusively or chiefly had in view agricultural profit, and has omitted to contemplate those other public interests of equal importance which relate to health and recreation. To the case of commons in the neighbourhood of London and other large towns former legislation was especially unsuited. It contemplated their inclosure, and not their preservation. In the neighbourhood of the metropolis it will not be forgotten that inclosure implies building, and not even agricultural improvement.

The society will in the first place ascertain what open spaces are at present enjoyed by the public, and collect all the information respecting them. With this view, it invites communications from the inhabitants of the neighbourhoods in which those open spaces are situated.

In order to carry out the objects of the society a committee has been formed, which embraces the names of some of the most distinguished men of science and philanthropists in the metropolis. The society wants funds in order to carry out its plans; and any information can be obtained, and the report of the committee will be forwarded, by application to Mr. Arthur Lankester, the secretary, at the offices of the society.

At a meeting of the committee, held Nov. 17, it was resolved:—  
 “That this society, having given notice of a Bill to carry out the recommendations of a committee of the House of Commons on open spaces, think it desirable that a meeting should be called in the City of London, in order to give an opportunity for the expression of public feeling on the subject.”

HOME OF COMPASSION FOR ORPHANS AND FOUNDLINGS, Howard-street, Ilfley-road, Oxford.

THE first annual report of this institution has just been issued. This Home was established in May, 1864, at 5, Oakeley-crescent, City-road, London. The original idea concerning its foundation came from a lady, resident in London, who called upon the sisters then conducting a home for Reformed Penitents near town, and promised them

her full support and sympathy, together with that of all her friends, should they think proper to carry out the scheme she proposed in all its bearings; and this was to open a Home for the reception of foundlings on the same principle as those already established abroad, and also to connect with it a lying-in ward for young women overtaken in a first fall. Infanticide was at that moment so greatly on the increase, and the necessity of something being done, however small, towards its arrest so apparent, that the sisters immediately closed with the offer, connecting with them in the work three others, from whom they afterwards separated in consequence of a difficulty as regards financial responsibility, the whole of which really fell upon the sisters, who ultimately decided upon relinquishing their then abode and taking a house within their means in London itself, under some landlord, if possible, who would let them premises upon their sole security, and where the work could at all events be commenced; though even then a country house was talked about so soon as God should see fit to send funds for it. Hence the commencement of the Foundling Home at 5, Oakeley-crescent, City-road.

The institution was removed to Oxford in June last; but as the Secretary did not announce this fact in his advertisements, some doubt was thrown on the existence of the Home when it was discovered that no such place could be found in Oakeley-crescent.

The number of inmates admitted from June, 1864, to June, 1865, was 80, of which 50 were either cases of temporary relief or women admitted for their confinement and then returned to good service, and 30 were illegitimate children. The lying-in ward has been relinquished for the present in consequence of the insufficiency of funds. Comments have been made concerning the mortality in the Home by some who do not understand the difficulty of rearing children of this stamp, but this has never in reality been greater than that of other foundling homes either at home or abroad, and has even been less than that of many foreign institutions; take, for instance, Naples, where out of 699 admissions only 333 survived their first year. It must be borne in mind that more than half these children are admitted either drugged or dying from atrophy or innutrition or hereditary disease. Were the Home only to admit healthy children, the mortality would be very small indeed; but in that case its usefulness would be greatly crippled, and the object of its foundation—namely, the prevention of infanticide—entirely done away with.

Of those now in the Home, four entered on the eve of starvation, having lived on little but stimulants from their birth; two are scrofulous; a seventh is reduced to a shadow from hereditary disease; another entered with mesenteric disease, a ninth with an injured spine; a tenth is inclined to dropsy; an eleventh, a baby of ten days old, had been fed on bread and water only, and was sinking from exhaustion; and another has never been healthy from its birth, and so on.

The number of children capable of being admitted into the Home is upwards of fifty; but, on account of want of funds, the average number at present admitted cannot exceed twenty.

## CORRESPONDENCE.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

DEAR SIR,—I enclose copies of two letters addressed by me to the Chancellor of the Exchequer, which may possibly lead, if published in your most useful journal, to the interchange of opinions with others.

Yours truly,

JAMES BEAL.

## HALFPENNY POST.

Dec. 27, 1865.

SIR,—Will you be good enough to consider the following points as now of growing and great importance?

1st. The reduction of inland postage rates to a uniform charge of one halfpenny.

2ndly. The establishment of a uniform foreign rate throughout the world of one penny.

The Post-office returns, if its receipt as a source of revenue is surrendered (and it will not be contended, I think, that it should be a source of revenue), will on examination justify this great boon.

3rdly. The extension of the Post-office money-order system to the whole of the Colonies and to foreign countries.

The measure of good to be effected is so vast, that I am sure you will deem it right to refer the suggestions to the proper authorities, to report if arrangements can be made to adopt them.

No arguments are requisite to illustrate, and, if any were wanting, any report of the Postmaster-General supplies ample illustrations.

With more than a million sterling surplus revenue from the Post-office, available to be devoted to the reduction of cost and extension of the system, it would be a grand result to accomplish, and one in which your hearty co-operation will be welcomed.

Your most obedient Servant,

JAMES BEAL.

## EXTINCTION OF THE NATIONAL DEBT.

Dec. 27, 1865.

SIR,—Many, no doubt, urge you to consider the question of the permanence or extinction of the National Debt.

I venture to suggest that the time has come in the interest of the future when the subject of its extinction should receive attention.

The business transacted in annuities by the Commissioners is too small to perceptibly affect the total.

The price of Consols, in competition with numerous shares and debentures, must, I think, be accepted as on the decline, and that in a further period of ten years the ordinary price will be ten per cent. lower than at present.

It is therefore desirable, if any great effort is to be made, that it should be done at an early period.

The only way is by the creation of annuities in extinction of the Debt.

This, I suggest, should be compulsory, by drawing amongst the whole stockholders to the extent of fifty millions of debt per annum, to be converted into annuities for fifty years at the rate of 3*l.* 12*s.* for every 100*l.* of stock, with a bonus in the shape of a reduced Income-tax to the fundholder.

By this means I venture to think any convulsion of the market would be avoided, and a gradual extinction be effected.

I beg to suggest it to your consideration.

I am, Sir, your most obedient Servant,

JAMES BEAL.



## LIPSCOMBE'S FILTERS.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—I had always been under the impression that it was the universal opinion of scientific men that the operation of a *filter* could only be mechanical, and that it was useless to expect it to remove any chemical impurities.

However, upon recently applying to Mr. Lipscombe, of 233, Strand, I received a "circular," which assured me that the filters manufactured by him would "remove lead and lime from water;" and I found this statement apparently confirmed by extracts from the letters of several medical men bearing eminent names. One of them is stated as saying, "Mr. Lipscombe's thirty-five years' experience has enabled him to produce a filter which removes lead and lime from water; chemists have hitherto deemed it impracticable, but acknowledge that it is successfully accomplished by him."

Now, Sir, I am strongly disposed to test the soundness of this announcement by an appeal to scientific authority.

For, if it be indeed true that by the simple means of a filter we can get rid of such obnoxious ingredients as lead and lime, a discovery has been made which cannot be too widely known. But if, on the other hand, there is any mistake in the statement, then the sooner it is corrected the better, since ill-health and fatal injuries may be dealt far and wide among families who are placing faith upon it.

I know of no hands in which the question could be better put than your own; and, therefore, I venture to bring it before you.

If you are disposed to give it the opportunity of a public discussion, you will be conferring a benefit on me and on many others.

I am, Sir, yours faithfully,

INVESTIGATOR.

[We should be glad to receive any replies to our correspondent's inquiries with regard to the fact of a filter having power to remove lead and lime from water.]

## VERDICTS OF TEMPORARY INSANITY.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—My attention has been called to the following passage in the Correspondence from Liverpool, in the *British Medical Journal* for January 6th.

"An inquest was lately held before the coroner for the southern division of the county, upon the body of a married woman who, apparently in a fit of jealousy or passion, destroyed herself by swallowing a quantity of a poisonous compound called 'Hunter's Infallible Vermin Destroyer.' From the medical evidence, there is no doubt that death was caused by strychnine. In returning their verdict, the jury availed themselves of a very judicious suggestion from the coroner, in order to avoid the disagreeable consequences of *felo de se*, without committing the very common inconsistency of assuming the existence of temporary insanity, when no evidence of such a state of mind is forthcoming. They found 'that the deceased destroyed herself by taking a poison called vermin-destroyer, containing strychnine; but there was no sufficient evidence before them as to the state of her mind at the time.' I have put on record this sensible verdict, as I do not remember hearing of a similar instance of getting over a difficulty which generally presents itself both to coroner and jury in cases of suicide. It is much better in such cases that juries should not, upon the insufficient information usually at their command, record a *quasi*-legal decision on questions so intimately affecting the social relations of the survivors. The effect upon the public of verdicts of temporary insanity hastily arrived at is not salutary; for as the coroner observed, they are not held in respect."

If I am not mistaken, the above verdict is a verdict of *felo de se*; and the coroner should have issued his order for the burying the body by torchlight, without the service of the Church, and the property of the deceased should be forfeited to the Crown. The grounds on which I come to this conclusion are, that it is a maxim of law that a man is regarded of sound mind, until he is proved to be unsound, and that consequently, if there is no evidence to show that he is insane, he must be regarded as sane; and if a sane man commit suicide, he has, in the eye of the law, committed *felo*

*se.* This is, I believe, the real reason why the verdicts in cases of suicide are so frequently accompanied with the finding of the state of the mind. At the same time the above finding is not so uncommon as the writer of the above paragraph seems to think, as it occasionally appears in the reports of coroners' inquests in the newspapers.

I am, &c.

London, January 10th, 1866.

A YOUNG LAWYER.

### POOR LAW RELIEF.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—“J. O.” has shown that the parish has power to prosecute a husband for neglecting to provide for his wife and family, even when he has not deserted them; but he is mistaken in saying that the parish *must* relieve the wife. Both relief and prosecution are optional, as the following case from the *Lincolnshire Chronicle* will show. It is too long to quote entire, but the coroner's verdict will give the facts briefly. An inquest was held on Hannah Seymour, the wife of a labourer at Willingham-by-Stowe. At its conclusion the coroner summed up and said: “It was a case seldom met with. On the 26th February the medical officer reported that the woman would die of starvation unless means were taken to prevent it; yet three months after nothing had been done, and the woman does die of starvation. It was time that some change was made in the law of homicide where by some act of unlawful omission death took place.” The jury returned the following verdict: “That the death of the deceased had been from want of sufficient and proper food, which her husband ought to have supplied her with, but which he neglected to do. The jury regret that both outdoor relief and admission into the workhouse was denied her, and the jury also regret that orders were not given by the medical officer to supply her with the food and covering she required.”

Again, an inquest was held on Sarah Dove, the wife of a dock-labourer, at Bethnal-green, when the jury returned the following verdict: “That the deceased, Sarah Dove, died from the effects of exhaustion, consequent on continued want of food, clothing, and warmth; and the jury are of opinion that the husband was not sufficiently watchful over his wife; that Mr. Christy\* was to blame for not having made himself fully acquainted with the deceased's condition on his first visit; that relieving-officers ought immediately to give admission to a patient on the recommendation of the medical officer; that in the present case the deceased died pending the test employed as to her fitness for relief; that in such cases the test of the workhouse is inadequate and not properly adapted to its end, as life has been thereby sacrificed; and the jury request that the coroner forward this verdict to the Poor Law Board.”

The Poor Law authorities having been blamed, Mr. Farnall, the Poor Law Inspector, held another inquiry, when it appeared that Dove earned 16s. a week and was in constant work. He concluded the inquiry by saying: “It was the duty of the guardians to withhold relief in all cases where the parties were not properly entitled. Here was a man in the prime of life, earning 16s. a week, in constant work, and a wife and two children only to support, and yet he left his wife in a state of semi-starvation. *If they granted relief in all cases of this kind, they would pauperise the whole kingdom.*”

It appears to me that in both cases the guardians were much to blame for not prosecuting. Certainly if relief was given without prosecuting, the kingdom would be pauperised; but why not prosecute?

If Mrs. Seymour and Mrs. Dove had had the good fortune not to be married, the guardians would have had no option about relieving them, and *must* have admitted them into the workhouse. They would also have been able to bring a complaint before the magistrates, and Dove and Seymour would have been obliged to pay 1s. 6d. a week for each child.

I do not think it can be conducive to the interests of morality to place respectable married women in a position of such inferiority to disreputable unmarried ones. These women lost their lives because they were not allowed to bring any complaint themselves against their husbands before the magistrates, and because the guardians, whose duty it was to do so, did not choose to take the trouble.

I have seven other very similar cases before me. In none did the guardians prose-

\* The relieving-officer.

cute the husband for not maintaining his wife, and in only one instance was he prosecuted for manslaughter after her death, and in that one he escaped by an unfortunate legal loophole. It appears to me that the guardians ought to be compelled to admit the wife into the workhouse; they would then probably be willing to prosecute to get rid of the expense of maintaining her. Perhaps "J. O." or some other correspondent can throw some more light on this subject. A public prosecutor would do good in obtaining punishment for men who have in fact committed manslaughter; but we want something more. We want some one who shall be bound to feed the poor starving wives, and to bring forward the complaints which they are forbidden to make on their own behalf. If we forbid a fellow-creature to make a personal appeal for protection to the law, we ought at least to appoint some one who shall be under a positive obligation to make the appeal for them.

Yours, &c.,  
J. B.

## ON CORONERS' INQUESTS AND CERTIFICATES AS TO THE CAUSE OF DEATH.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—As an old practitioner of upwards of thirty years' standing in the profession, I wish to bring the following circumstances under the notice of your numerous readers, in order to elicit from them what course it would be advisable to pursue in the matter:—

On the 3rd of December, at three A.M., I was sent for to Mrs. F——, a respectable inhabitant of this parish, who resided three miles from my residence. I went immediately—in fact, I was there in twenty minutes, as I jumped on the messenger's horse to save delay in waiting for my own. On my arrival I found the patient dead, and I should think life had been extinct about half an hour. No medical man had previously seen her.

I wrote a note to the Coroner of the district, with the outlines of the case (as furnished by the inmates of the house), which I sent by the policeman of this place. The Coroner had not the courtesy to send a written reply; but I received a verbal message by the policeman that "No inquest was necessary."

Now, in my humble opinion, if there ever was a case that required investigation the above is one. Even Mrs. F——'s brother called on me the following morning and concluded it would be necessary that an inquest should be held. No application was made to me for particulars of the case, nor for a certificate of the cause of death.

On the 12th instant, about eight P.M., I was sent for to Mr. H——, a respectable tradesman of this place, who was suddenly taken ill. On my arrival I found him insensible, in which state he remained until his death, about half an hour after, which time I remained with him.

In this case also the Coroner declined to hold an inquest. On the 14th, a son of the deceased applied to me for a certificate of the cause of death, which I refused to give; and I then ascertained that he had been sent by the registrar of this district (who resides in the village, and is a medical practitioner). I wrote to him, stating "that a certificate from me could not be necessary after the extraordinary interment of Mrs. F—— without one." In his reply, he stated that, having been Mrs. F——'s previous medical attendant, "I had no difficulty in registering the cause of death without any certificate from you."

If such proceedings are allowed with impunity, people might be murdered or poisoned by wholesale.

I have only been resident in the neighbourhood a short time, and during a long professional career have seen such cases conducted in a very different manner elsewhere.

I am, Sir, your obedient Servant,

December 18th, 1865.

INDEX.

[We have republished the above letter, which appeared in the *Lancet* of December 23rd. The question arising out of the cases are, "Can a Coroner legally refuse to hold an inquest when required on suspicion?" 2. "Ought a registrar to be able to assume the functions of a coroner's jury, without medical evidence of the cause of death?"]



## OUR NEGLECTED AND DESTITUTE CHILDREN.

HOW ARE THEY TO BE EDUCATED?

BY MARY CARPENTER.

THE paper which appeared in the second number of this journal, has probably satisfied the minds of most persons who have given the subject serious consideration, that there exists in our country, especially in large and crowded towns, a large portion of the population whose moral and physical condition is such, that their children are growing up not only without education, but in such a state of ignorance and barbarism that they are a constant drain on the community,—directly, by supplying the ranks of pauperism and crime; indirectly, by perpetuating a degraded and corrupt lower stratum of society.

This being proved, it may be presumed that no Christian or good citizen would deny that these children ought to be educated.

Such were the convictions at which the Education Section of the National Social Science Association arrived, after the reading of many other papers which painfully confirmed these positions, and a long and animated debate; and the following resolution was passed unanimously:—

“That this Section, being convinced of the existence of a large and growing number of children who are unable from very varied causes to enter any schools at present existing, and who are therefore constantly increasing the pauper and criminal classes of the community, would earnestly request the Council of the Association to press upon the Government the need of full inquiry being made into the extent of this class, and their circumstances; and also of the amount of pecuniary aid needed to give efficiency to such schools as are intended to meet the wants of those for whom no provision is at present made by any of the educational appliances receiving educational help, and prompt action being taken in accordance with the conditions thus ascertained.”

This resolution was endorsed by the Council of the Association, and steps will doubtless be shortly taken to bring the whole subject under the notice of the Government.

The requisite information having been obtained, and some approximation being arrived at of the extent of the evil, and the thousands or tens of thousands who are unable to attend the exist-

ing schools, the question next arises, How are they to be educated? This will now be considered.

We exclude from our present inquiry all children who are in a Reformatory or an Industrial School, or who can legally be sent to one; all who are in a Pauper School, or are being educated by the parish authorities; and all who may be brought under the operation of an extended Factory Act. Excluding all these, multitudes remain who are not touched and cannot be touched by the existing schools which are aided by Government. We assert emphatically, that the ordinary National and British Schools do not and cannot touch them as a class, and that every general attempt to bring them into the schools intended for those who have been termed the "wage class" must fail, because the two are perfectly different, and have entirely different wants. The experiment of teaching the two in one school has been tried in some cases. The Roman Catholics have tried it; we have seen good British Schools belonging to that body open to any who were willing to attend them, the admission fee being paid by charitable persons; none were excluded on account of their ragged clothing; and yet those schools did not touch the population surrounding them, the children of which were in the lowest state of barbarism;—the school itself suffered, in one case which was inspected, from the admission of a number of very degraded children; the educational status of it was lowered, and decent boys were thus hindered in their education. A few years ago, an admirable school was established in Manchester for the purpose of giving a good gratuitous education to children whose parents were too poor to pay the school-fee. The school was an admirable one, and the children were evidently very poor: yet a more neglected set were at its very doors and infesting the neighbouring streets; they were untouched by the school, and the master candidly admitted that thirty or forty of them introduced into the school would completely upset its order, and would consequently require entirely separate teaching and arrangements. Mr. Rogers's school in London, has often been pointed to as a triumphant proof that if the managers of schools for neglected children were willing to make the effort, they might bring to the neglected and destitute children the advantages conferred by the Educational Council. But in the immediate vicinity of this really excellent school, miserable, ragged children were swarming untouched by the school; and the ill-dressed children who were in it did not generally belong to the vagrant class so much as to a class of persons who had a poor but regular settled occupation. Even if this and other experiments of a similar kind had been a real success, it would not follow that because a school has succeeded under the special care of a clergyman of talent and

experience, they can be made general. It is impossible. If the right class is laid hold of, it cannot receive the education adapted to it in the ordinary day schools.

Who would think of offering to pay for one of the children described in the following paragraph, in a National School?

"I rambled through dark and narrow streets—close, crowded, and noisy. Everywhere drunkenness and ribaldry. At almost every corner, altercations and quarrels. The darkness was so great, and the pavements were, or seemed to be, so uneven, that I frequently stumbled; and once or twice, but for the friendly arm of my conductor, I should have fallen. We went up successive flights of steps, coming at each step upon passages opening into holes and courts where the people dwelt. At every turn we came upon what seemed to me to be human warrens, *out of which came swarms of children, ragged, barefoot, and dirty*. It was evident that, bad as the lodging-houses might be, these places, where little control could be exercised, were infinitely worse. Some of the property (I should be ashamed to hold such property) seemed to be tumbling to pieces, and to be in danger of falling upon the inhabitants, and burying them in ruins. One or two scenes I saw in this region I will paint presently; but now I pass briefly to other things."\*

These children, "ragged, barefoot, dirty," swarming in human warrens, may be found in every large crowded city in our country; no clothing given, no payment of school-fees, no appliances that can be brought to bear on them, can enable them or induce them to attend schools adapted to the children of the regular wage class. Nor can those countless multitudes of littleurchins—who, at an age when they ought to be in an infant school, are turned into the streets to earn their own living, and, perhaps also that of dissolute parents, by hawking small wares, sweeping crossings, and other ways which their precocious ingenuity may discover; their very age often excites compassion, and makes them more profitable to their parents. Can they by any possible means be made fit to enter a national school, or would free education there be esteemed a boon by them or their parents? They require a kind of education perfectly distinct from those children whose progress is to be tested by examination in reading, writing, and arithmetic; and to offer them these without the other, would be a simple mockery.

The existence of such a portion of the community is no peculiar feature of Great Britain. New England can produce them as well as the old country. From its first colonisation, the principle was acknowledged and established there, that it is for

\* *Vide* "Neighbourhood of Newcastle," a Lecture, by J. C. Street, p. 5. London: Whitfield, Strand.



the welfare of the State that all its citizens should be educated, and that it is the duty of the State to provide the means of ensuring this; yet, with a free public education, it has still been found necessary to make special provisions for those who could not and would not attend the public schools. The city of New York, with its numerous educational establishments, yet required that these same neglected and destitute children should be educated in special schools adapted to their wants; but it was only after ten years of earnest devoted voluntary work, that the State government comprehended this necessity, and provided funds for the support of these special schools;—that is now done. Even at our antipodes, in Australia, the same necessity exists, though it might have been expected that a country so newly settled would not yet experience the evils which in England may be supposed to have arisen from the corruption of centuries. The *Australian News* of September 25, 1865, gives an account of an Anniversary Meeting of a Ragged School Association, established to supply this very want, and the Lord Bishop of Melbourne there expressed his warm approbation of the system adopted in it. A radical evil exists for which a special cure must be provided. The continually increasing mass of ignorance in our large towns can only be diminished and eventually annihilated by a system of schools adapted to the actual condition of the children.

What kind of schools are required?

The schools must be, in the first place, industrial—that is, there must be provision made for a considerable portion of time being devoted to such manual occupation as may appear best adapted to the circumstances of each school. This industrial work is necessary as a means of preparing the children to get their living—as a useful way of working off the peculiar restlessness of their nature, and as, in many ways, an excellent means of training them to good habits, and, possibly, of earning honestly in the school some trifling sums which may enable them to improve their appearance.

The teaching power must be good and sufficient. Schools for this class must be well taught by persons who understand the science of teaching, and who at the same time possess those religious and moral qualities which will enable them to infuse a right tone into the school, and also a sympathising nature which will win over the children. Such teachers are difficult to obtain, but experience shows that they may be found. They ought to be properly paid for their anxious labour.

The premises should be plain, but healthy and airy. There should, if possible, be a playground attached, or, if that cannot be obtained, provision for the play and dinner hour between morning and afternoon school, so that children may bring their

meals and stay till they return home. A washing apparatus is indispensable, and, if possible, a bath.

These are the essential features of such a school; the details will be modified by the wants of the several districts. It is evident that they must be expensive, not only because no school fees are paid by the children, but also because the industrial teaching and the sanitary and other arrangements are costly.

It will perhaps be asked whether it is probable that, if such schools as are here described were extensively established throughout the country wherever a need appears to exist, the children for whom they are intended will voluntarily come to them? Many will do so, as the experience of the last twenty years has proved, and they will come because they find themselves happier and better than in their wild way of life, and their parents learn to appreciate the good results to their children. Many will *not* come voluntarily—that is, from their own unaided wish to improve; and these are the very children whom it is most essential to bring under the school influence. Missionary effort must here step in; Christian men and women must go out to the back slums and alleys, and, by constant perseverance, induce the little ones to go the right way; there is in our country abundance of such a spirit, which requires only to be wisely directed. In cases where even such efforts are useless, the Industrial Schools' Act, vigorously worked, will soon remove the ringleaders to evil; and it is a fact, that a few cases in a district, of removal under sentence to a Certified Industrial School, instead of being an incitement to parental neglect, as has been feared, infuse a wholesome fear in the neighbourhood. Wild vagrant boys and girls do not like to lose their liberty; parents do not like the control over their children to be forcibly taken from them.

These schools must, then, have the voluntary element largely infused into them; that is, for the schools to be effective, Christian benevolence must seek the children, inspire the right spirit into the schools, maintain it there, and carry out the same spirit in those countless ways which true charity will discover—even into the homes of the children. The Government has long perceived that this free working, this missionary spirit, is essential to these schools. The missionary spirit cannot, however, supply the necessary funds; hence the work has never been effectually done, from want of means and some wise system.

It will not be here considered what is the best system of supplying an educational fund in general, or this department in particular; we do not discuss whether a local rate, with local administration, is desirable, or what are the advantages or disadvantages of the Revised Code; we only remain firm to the general principle which was sustained by the Birmingham Con-







## REVIEWS.

### PHYSICAL CAUSE OF EPIDEMIC DISEASES.\*

**T**HE originality of the opinions held by Dr. Howe on the subject of epidemic diseases, and their physical cause, cannot be doubted. We are at all times glad to welcome original thinkers and workers in the scientific world, and when care and attention have been combined with talent in the preparation of any theory they may advance, we are inclined to receive their opinions with perhaps more respect than usual.

We quite agree with Dr. Howe that the subject of epidemic diseases is one where "a little more latitude may be extended to the inquirer than in other sciences;" and we should sympathise with him in "an inquiry of so difficult a nature, and which has baffled the observations of all physicians for two thousand years."

The knowledge of the cause of epidemic diseases is at this time in such a very cloudy state, that many ideas put forward and pooh-pooed by the rest of investigators may ultimately occupy a more important position, and assist materially at arriving at the true solution of the mystery. It is not because we cannot bring ourselves to believe with Dr. Howe that the moon is the physical cause of epidemics, and that, from its influence, an alteration in the constitution of our atmosphere is an eighteen or twenty years' occurrence, that we would wish our readers to imagine the work before us is uninteresting or not important.

What Dr. Howe originates is, after all, acknowledged by himself to be mere postulates, and he seems to be at as great a loss to prove the reality of his theory as we are to accept it.

He says: "In the mean time I may state that I assume it to be some change in its elasticity (atmosphere), or expansibility, or tenuity." He goes on to say that, "I may, therefore, without any very great stretch of mere imaginary reasoning, be allowed, for the sake of argument, to assume that the atmospheric air introduced into the blood, besides its chemical and vivifying properties, retains also something of its mechanical and physical properties; otherwise, what becomes of them?"

With a series of such assumptions, Dr. Howe works out his problem that the moon produces epidemics, and, possessing some astronomical knowledge, he relates the period of the "lunar apse" and "lunar node" to the eighteen or nineteen-year theory that he starts the volume with. One thing we must notice, and that is, that no contrary opinion

\* A Theoretical Inquiry into the Physical Cause of Epidemic Diseases. By Alexander Hamilton Howe, M.D., Honourable East India Company's Service. London: J. Churchill and Son. 1865.

is ever admitted. Smoothly and steadily does Dr. Howe proceed with speculation after speculation, claiming indulgence and offering reasons for "extended latitude," until he works out his own pet theory, as he imagines, conclusively.

It is not at all likely, however, that, under its present condition, man believers will flock to the standard of "moonshine;" nor can we see how Dr. Howe has in any way advanced our knowledge of either the prevention, cause, or treatment of epidemics.

Indeed, we almost imagine that Dr. Howe himself must have become conscious of the weakness of his theory; for it is only a very few pages of the book that he occupies with original matter. No less than 131 pages, out of the 164 forming the treatise, are merely compilations and extracts of dates and facts connected with epidemics, copied from such authorities as the "Universal History" and "Penny Cyclopædia."

We hold as much respect for Dr. Howe's compiling powers and surprising energy and assiduity in collecting together a mass of information about epidemic diseases since the year 1920 before Christ, as we do doubts as to the soundness of his theoretical opinions.

We are perhaps wrong, but it strikes us that the title of the book is not quite an index to its contents, and that the work partakes much more of the character of a dictionary than it does of an essay.

To any one who is interested in the history of the epidemics of the world, there is here presented a valuable hand-book; but to scientific investigators as to the cause of the visitations periodically of the disorders, we cannot hold out much hope of benefit by its perusal.

The thirty-two propositions arbitrarily put forth at the commencement, and a few speculative pages as an appendix, are all that can touch directly on the cause of epidemics, and are soon read and mastered by those wishing to do so.

The tabular portion, if re-arranged according to dates, will remain, however, always interesting as a work of reference.

Perhaps when Dr. Howe has time (for he states that he brought the work "to a hurried conclusion"), we may have another and somewhat improved edition of what must be acknowledged as an exhaustive index to the bibliography of epidemic diseases.

## BRIEF NOTICES OF BOOKS AND PAPERS.

*Tenth Annual Report of the Children's Aid Society.* New York.

It is pleasant to find that the same agencies are at work amongst our race on both sides the Atlantic. The Children's Aid Society is a North-American institution, and has for its objects the same ends as so many of our societies in London and elsewhere in Great Britain. This society has now existed ten years, and although it is difficult amidst so many conflicting elements as society presents in America to say what is exercising an influence for good, it has the satisfaction of knowing that, within the last twelve years, there has been in New York a diminution of juvenile crime. The Report says:—

"When it is remembered that during these twelve years over nine thousand (9000) poor little outcast creatures have been provided with homes, that during the past



year 6793 different boys were lodgers in the Newsboys' Lodging-house, of whom 1670 were orphans and 2066 half-orphans, and 525 could not read or write, that, during the year past, 2189 poor children have been educated in our Industrial Schools, of whom 613 are known to be the children of drunken parents, and during the past year 821 girls were sheltered in the Girls' Lodging-house, and in our Emigration Department over one hundred a month sent to homes mainly in the country, of whom 213 were known to be orphans and 126 half-orphans, while of 743 the parentage is unknown, and probably a very large proportion of whom were the children of intemperate parents, we can see how directly this society strikes at the root of juvenile crime, and how natural it is that its silent work of love for twelve years should at length be felt in every prison and police-station of the city."

There is subjoined a very interesting appendix, containing accounts of various children who have been educated by the aid of the society. We give the following as a specimen from numerous interesting instances of the good the society is doing:—

"THE POOR BOY'S BEQUEST.

"E—— R—— was born of Irish parentage. Was left an orphan when he was a year old. He was taken by an uncle, and reared by him. The uncle had him in his store, and part of the time he went to school. After the uncle's death, E—— came to New York, and engaged in the shoemaking business, followed it for about a year. He got out of work, business being so very dull, and, having no home and no work, in order to provide means to sustain himself, he applied to the late Captain Squires, at one of our station-houses, who sent him to the office of the Children's Aid Society. The society procured him a good home in a family at L——, N. Y. We heard nothing from him for some time, when a letter came from E——, stating that he was doing very well, and living at L—— R——. This was in the winter of 1860. Subsequently E—— went into the army, and in a letter to the society, Mr. B—— of K—— wrote, May 17, 1864: 'E—— was killed at the battle of Gettysburgh, and willed to the Children's Aid Society 150 dollars, on account of kindness received in providing him with a home,' &c.

"K—— F——, C—— County, May 17, 1864."

This Report also contains interesting details of the expenditure and management of the society, and of the schools and institutions it has established in various parts of the United States.

*Report on the Sanitary Condition of the City of London for the year 1864-5.* London: Lownds.

Whatever may be the faults of the Corporation of London, there are few persons who would not maintain that, in point of dignity, efficiency of action, and attention to the wants of the poorer citizens, it is very much superior to any of the vestries by which it is surrounded. Long before the Metropolitan Management Act compelled the vestries of the metropolis to appoint Medical Officers of Health, the City of London had its Medical Officers of Health, and, in the appointment of such men as Mr. Simon and Dr. Letheby, it has shown its earnest desire to render this office efficient for the welfare of the citizens. Neither have they been niggardly in their payments. With much less area and half the population of other districts of London, their Medical Officer has just double the pay that has been given to any other Medical Officer of Health in the metropolis. Instead of diminishing his salary, as has been done in the case of Saint Pancras, Saint James's, Westminster, and Saint Marylebone, they have from time to time increased it; and we find in Dr. Letheby's Report no complaints that his recommendations are not attended to, such as we find very generally in the reports of the Medical Officers of Health. It is not creditable to the wealthy west-end parishes that they should pay less attention to the wants of the poor and diseased, and to the sanitary condition of the communities in which they live, than the less wealthy inhabitants of the north and the east.

Turning to Dr. Letheby's Report, we find it embraces an unusual number of topics of interest. First with regard to the mortality of the City, he regrets that it is not decreasing. He speaks in tones of despondency of "the wretchedness and filth" of many of the abodes, and says, "Nothing can be more disheartening than the unsuc-



cessful and yet constantly repeated efforts to better the condition of those places. We want a despotism to deal with them; for there is not only the disinclination or determined opposition of landlords to all species of sanitary improvements, but there are also the ignorance and mischievous perversity of the tenants, and these are too often the cause of the wretchedly unwholesome state of the tenements." Filth and ignorance are evidently doing mischief enough in the City, but the diseases thus produced are not the most remarkable. "The chief feature," says Dr. Letheby, "in the City death-rate is the large mortality amongst men from 55 to 65 years of age. In former years the mortality at that period of life was only 48 per 1000 of the living; whereas it is now nearly 60 per 1000. In all England the death-rate of men at those ages is but 32 per 1000, and in France it is but 29; and even in the City the death-rate of women at these ages is but 37 per 1000." This death of the most valuable lives in the City, Dr. Letheby attributes to an overstraining of man's power "by industry, rather than from a defective sanitary regime."

In the latter part of his Report, Dr. Letheby makes remarks on the apprehended pestilences of the year 1865. There were the Russian pestilence, the epidemic cholera, and the yellow fever. The greater part of the Report is, however, taken up with an account of the cattle plague. Dr. Letheby does not believe the disease was imported from Revel in May last. He goes through its history, and gives an account of the various regulations respecting the sale of meat in different parts of the world. He discusses at some length the question of whether diseased meat is fit to eat, and comes to the conclusion that it is safer not to eat it, and that to avoid all communication of disease by meat it is better to eat it overdone than underdone. Dr. Letheby's Report is worthy of attention from a much larger circle than that to which it is especially addressed.

*Conversations on Mind and Matter.* No. I. January. London: Harrison.

These conversations are not without interest on the subject to which they are devoted. The question of the possession of primary instincts and fundamental ideas by man is here taken up, and placed before the reader in various aspects, with the view of vindicating for man an essentially different constitution from that of the lower animals. Cognate subjects will be pursued in future numbers of the *Conversations*.

## MONTHLY CHRONICLE.

**Capital Punishment.**—The following is the Report of the Capital Punishment Commission:—"TO THE QUEEN'S MOST EXCELLENT MAJESTY.—We, your Majesty's commissioners appointed 'to inquire into the provisions and operation of the laws now in force in the United Kingdom, under and by virtue of which the punishment of death may be inflicted upon persons convicted of certain crimes, and also into the manner in which capital sentences are carried into execution, and to certify to your Majesty, under our hands and seals, or under the hands and seals of any five or more of us, our several proceedings in the premises, and at the same time to report to your Majesty our opinion whether any and what alteration is desirable in such laws or any of them, or in the manner in which such sentences are carried into execution,' humbly report as follows:—1. We have been occupied a considerable time in taking evidence upon the questions referred to us. Many witnesses have been examined, and a careful summary of their evidence precedes this report. In addition to this oral testimony, certain questions have been addressed to, and answers received from, nearly all the nations of Europe, and some of the States of the United States of America, with regard to the laws relating to the punishment of death existing in those countries respectively. The opinions of all her Majesty's judges in England, Ireland, and Scotland, as well as of other eminent criminal lawyers, have been requested upon the expediency of making any alteration in the laws under which the punishment of death may now be inflicted upon persons convicted of certain crimes. In answer to this request some of the judges have sent in statements of their views, while others have attended before the commission, and verbally stated their opinions. The whole of the evidence, both oral and documentary, will be found in the appendix. 2. The commissioners forbear to enter into the abstract question of the expediency of abolishing or maintaining capital punishment, on which subject differences of opinion exist among them; but they are all of opinion that certain alterations ought to be made in the existing law. 3. The only crimes now practically punishable with death in the United Kingdom are treason and murder; we say *practically*, because in Scotland there remain many other offences which are still, in point of law, liable to be so punished, though in fact such a case never occurs. We strongly recommend that this anomaly be no longer allowed to exist, and that all such obsolete laws be repealed. A list of these offences will be found in the Appendix, 'p. . ' 4. We have then, first, to consider whether, assuming capital punishment to be retained, we should recommend any change in its present application to the crime of treason, and upon this point we have come to the conclusion that no alteration is required. The statute of the 11 and 12 Vict. c. 12, com-



monly called the 'Treason Felony Act,' without in any way abrogating the ancient law upon that subject, has introduced a new and more merciful law, which, in all but cases of extreme gravity, will probably supersede the former. The maximum punishment under this Act is penal servitude for life, which seems sufficiently severe in cases of constructive treason unaccompanied by overt acts of rebellion, assassination, or other violence. With respect to treason of the latter character, we are of opinion that the extreme penalty must remain. 5. We now arrive at the consideration of the crime of murder and its punishment, and in treating this difficult question we think it convenient briefly to refer, in the first instance, to the existing state of the law. 6. By the law, murder is the unlawfully killing another with malice aforethought, and this definition appears to us to be correct in principle. Unfortunately, these words have not been confined to express malice aforethought, or, as it is sometimes called, malice in fact; but have received a less natural construction, which has long been adopted as the settled law of the land. It has been held that malice in its legal sense imports nothing more than a wicked intention to do injury to the person of another without any just cause or excuse, and that where a man is killed in consequence of any such wicked intention the law will infer malice aforethought, though no express enmity or preconceived design can be shown; not indeed a particular, but a general malice aforethought, arising from the extreme depravity of disposition shown by the act. This doctrine of implied malice aforethought goes even beyond this, and is carried to such an extent that the law always infers it when a person in the act of committing a felony, even of a trifling nature, kills another, though there may be in fact no premeditation, and no intention to kill or do serious injury. When homicide is committed in the perpetration of crimes of great enormity, such as those enumerated in clause 12, this inference may be not improperly drawn. 7. The extreme severity of this construction has been somewhat mitigated by the law of manslaughter, which is defined to be the unlawful killing of another without malice express or implied. In order to reduce the crime from murder to manslaughter, the law allows evidence of provocation to be given to rebut the inference of malice, which would otherwise be drawn from the act of killing. Here, however, again certain arbitrary rules have been introduced into the law, which most materially restrict its beneficial operation. It has been established by the decisions of our courts that no provocation by words, looks, or gestures, however contemptuous and insulting, nor by any trespass merely against lands or goods, is sufficient to free the party killing from the guilt of murder, if he kills with a deadly weapon, or in any manner showing an intention to kill or do grievous bodily harm. In these cases, though the suddenness of the provocation may rebut in point of fact the *express malice aforethought*, it is not allowed, on account of its supposed insignificance, to overcome the *general malice aforethought*, which is implied by the law from the wickedness and cruelty of the deed. Without entering into the many nice and subtle distinctions which prevail upon this subject, it is enough to say that the practical



result of this state of things is most unsatisfactory. A man who, in a sudden fit of passion, aroused by insult to himself or his wife, kills the person who offers the insult, is, by law, guilty of the same crime and liable to the same punishment as the assassin who has long meditated and brooded over his crime. A great majority of the witnesses whom we have examined have expressed a strong opinion that this branch of our criminal law requires revision and amendment, at least so far as the punishment is concerned, and we have unanimously arrived at the same conclusion. 8. We proceed, therefore, to offer such recommendations as we think expedient for altering the present law of murder. It appears to us that there are two modes in which the change may be effected. 9. The first plan is to abrogate altogether the existing law of murder, and to substitute a new definition of that crime, confining it to felonious homicides of great enormity, and leaving all those which are of a less heinous description in the category of manslaughter. 10. The other plan is one which has been extensively acted upon in the United States of America, where the common law of England is in force; this leaves the definition of murder and the distinction between that crime and manslaughter untouched, but divides the crime of murder into two classes or degrees, solely with the view of confining the punishment of death to the first or higher degree. 11. We have given both these plans our serious consideration, and we are of opinion that the required change may be best effected by the latter, which involves no disturbance of the present distinction between murder and manslaughter, which does not make it necessary to remodel the statutes relating to attempt to murder, and does not interfere with the operation of those treaties with foreign Powers which provide for the extradition of fugitives accused of that crime. The object proposed can be attained by a short and simple enactment, providing that no murder shall be punished with death except such as are particularly therein mentioned. These should be called murders of the first degree; all other murders should be called murders of the second degree, and punished as hereinafter recommended. 12. We recommend, therefore:—(1.) That the punishment of death be retained for all murders deliberately committed with express malice aforethought, such malice to be found as a fact by the jury. (2.) That the punishment of death be also retained for all murders committed in, or with a view to, the perpetration, or escape after the perpetration, or attempt at perpetration of any of the following felonies:—Murder, arson, rape, burglary, robbery, or piracy. (3.) That in all other cases of murder the punishments be penal servitude for life, or for any period not less than seven years, at the discretion of the court. 13. Our attention has been called to the frequent failures of justice in cases of infanticide. The crime of infanticide, as distinguished from murder in general, is not known to the English law. The moment a child is born alive it is as much under the protection of the law as an adult. 14. We have considered whether the failure of justice, which undoubtedly often occurs in such cases, may not be obviated by some change in the law which shall add to the protection of new-born children. The principal

obstacle which now prevents the due enforcement of the law is the extreme difficulty of giving positive proof that the child alleged to have been murdered was completely born alive. 15. We have given this important and difficult subject our serious attention, and we have arrived at the opinion that an Act should be passed making it an offence, punishable with penal servitude, or imprisonment, at the discretion of the court, unlawfully and maliciously to inflict grievous bodily harm or serious injury upon a child during its birth, or within seven days afterwards, in case such child has subsequently died. No proof that the child was completely born alive should be required. With respect to the offence of concealment of birth, we think that no person should be liable to be convicted of such an offence upon an indictment for murder, but should be tried upon a separate indictment. The accused should not be entitled to be acquitted in either of the above cases if it should be proved on the trial that the offence amounted to murder or manslaughter. 16. There is one point upon which the witnesses whom we have examined are almost unanimous, viz. that the power of directing sentence of death to be recorded should be restored to the judges. We think this change desirable. 17. Upon another important point there is also a great preponderance of opinion against the present state of the law. The witnesses whom we have examined are, with very few exceptions, in favour of the abolition of the present system of public executions; and it seems impossible to resist such a weight of authority. We, therefore, recommend that an Act be passed putting an end to public executions, and directing that sentence of death shall be carried out within the precincts of the prison, under such regulations as may be considered necessary to prevent abuse, and satisfy the public that the law has been complied with. 18. There are other questions of great importance upon which we have taken evidence, viz. :—(1.) The propriety of allowing an appeal on matters of fact to a court of law in criminal cases. (2.) The mode in which the Crown is advised to exercise the prerogative of mercy by the Home Secretary. (3.) The present state of the law as to the nature and degree of insanity which is held to relieve the accused from penal responsibility in criminal cases. It is obvious that these difficult questions are not confined to capital cases only, but pervade the whole administration of the criminal law. They, therefore, require a more general and comprehensive treatment than the terms of the commission under which we act will admit. We think, therefore, that while we should not be justified in making any recommendation to your Majesty on any of these points, we should fail in our duty did we not humbly solicit your Majesty's attention to them as requiring further investigation. All which we humbly submit to your Majesty's royal consideration."

**Sanitary Condition of Bombay.**—It is gratifying to find that our Government is making some efforts towards remedying the sanitary defects of our colonies and dependencies. It is not only the natives, but our countrymen who are induced to leave their native country to settle in our possessions that have a claim upon the Government for sanitary action. The state of one of our large Indian cities may be judged from the



following extract from the *Bombay Gazette* :—The sanitary condition of Bombay has been for many years a subject of grievous complaint, both with the press and the public. To illustrate the superlatively disgraceful way in which the city has been neglected in its ordinary scavenging department, we may mention that the first monthly report which has been issued by the Public Health Officer, under the new municipal regime, states, that 109 cartloads of filth have been removed from two narrow lanes. From another lane, 243 feet long and 18 feet broad, 503 cartloads of similar putrescence have been carried away. In this last lane matter extending 23 inches downwards from the surface has been laid out, and the original level has not yet been arrived at! The operations of the Health Officer show that the scavenging has been most grossly neglected, and that the drains of the city, where drains exist, are in many cases choked up with excreta and rubbish. The influence of the new Municipal Commissioners is thus beginning to make itself sensibly felt in a right direction; for the most imperative necessity that lay upon the community of Bombay was to secure common cleanliness in the byways and less-frequented thoroughfares of the city.

**Metropolitan Railways.**—Great opposition is being made to the extension of the various metropolitan lines through the metropolis. In most cases it is the opposition of local interests against the public good. The want of public spirit amongst our citizens and their representatives is very disheartening, and the limited view that is taken by them of great undertakings for the public good is constantly inflicting miseries in perpetuity on the communities in which they reside. When the great fire of London nearly demolished the City of London, Sir Christopher Wren proposed to rebuild it in a style and on a plan which, in the saving of time, health, and life, would have been an enormous boon to those who dwelt in the City for centuries after; but such was the anxiety of individual owners to maintain the ownership of their petty bits of land, that the City was rebuilt with its old narrow streets and unwholesome houses, entailing an immense loss of time and life, and which are only slowly disappearing at a prodigious cost. Opportunities are constantly being lost of doing good for the public and posterity, by listening to those who imagine their private interests are interfered with by some plan of public service. This is just now the case with railways in London. No one can doubt the advantages of carrying railways through London. They relieve the enormous traffic of the streets, thereby diminishing the sacrifice of life, and facilitate every man's business who has to travel from one part of London to another. The very fact that money is forthcoming for making them shows that they are needed, and that they are of service to the public. The people who invest in railway shares do not part with their money without a prospect of payment, and the fact that they are paid shows that an immense amount of good is being done. Wherever there are railways, time is saved; and in England, more than any other country in the world, time is money. The money that is paid for railways represents only a portion of the money that is saved by their work, and the whole community is enriched by the time that



is thus saved. Not a thought is given to this subject in the meetings that are held to oppose these railways. All that Mr. Smith, the grocer, and Mr. Jones, the baker, sees in the new railways is that his house will come down, and, sooner than make this sacrifice, he would see every railway in the kingdom annihilated. It is this narrow, selfish spirit that so constantly interferes with all our attempts at improvement as a nation, and which is especially evident in the bad management of the local affairs of the metropolis.

**Jamaica.**—A large and influential committee has been formed with the following objects in view: 1. To demand a searching Parliamentary inquiry into the past and present social, legislative, and political condition of Jamaica, and to promote measures for the future good government of the colony. 2. To watch the progress of the official and Parliamentary inquiries (should both be granted), and to take such further action as may be deemed necessary. 3. To provide Mr. Gordon and others who may have unjustly suffered from the proceedings of the civil and military authorities in Jamaica with competent legal assistance to conduct their several cases before the Commission of Inquiry, or in such other way as the committee may be advised. The committee have already despatched two members of the bar to Jamaica, with ample instructions for their guidance, have secured legal assistance there, and have taken other action of an important kind which cannot at present be more particularly adverted to. It will be sufficiently obvious that arrangements of this nature cannot be made without a very large outlay. It is uncertain how long the inquiry may continue, what legal proceedings may arise, or how much evidence may be necessary to collect; but in order sufficiently to carry out the important objects for which the Committee has been organised, it is indispensable that ample funds should be placed at its disposal. Subscriptions should be forwarded to the treasurer, Mr. P. A. Taylor, M.P., Aubrey House, Notting-hill; to Messrs. Barclay, Bevan and Co., Lombard-street ("Jamaica Committee" account); or to Mr. F. V. Chesson, the honorary secretary, 65, Fleet-street. Cheques to be crossed, and post office orders made payable to the hon. secretary, at the Fleet-street Post Office.

**Prison Dietaries.**—The following extract from the "Report of the Directors of Convict Prisons for the Year 1864" (p. 11) must be very gratifying to those who have been in any way instrumental in bringing about so considerable a reform: "The actual saving during the year in the estimated expenditure for rations for the convicts was 22,581*l.* 13*s.* 6*d.*, the reduction of the dietary having taken place in July. There has been a saving on the estimates for the present year as compared with last year of 25,834*l.* on the item of victualling convicts." This saving, it should be observed, is effected on the dietaries of about 7000 convicts. The authorities of the county and borough gaols, by adopting the new dietaries, which are understood to have been very successful wherever they have been introduced, might add to this sum of 25,000*l.*, saved in the convict service, a still larger aggregate sum for the whole of England and Wales. If the ne

dietaries were in use throughout England and Wales, a saving of not less than from 65,000*l.* to 75,000*l.* a year might be effected in the feed of all classes of prisoners. Taken at the very moderate estimated saving of 50,000*l.* a year, the old dietaries, which have been in force nearly a quarter of a century, must have cost the nation upwards of a million of money. The printed reports from one of our county gaols bear testimony to the perfect success of the new dietaries. They effect a considerable saving, they keep the prisoners in good health, and they are so unpopular with these folk that they declare their intention of not troubling the authorities of said prison any more. We commend these facts to the serious attention of the visiting justices of all our county and borough gaols.

**Cattle Plague.**—The murrain still continues its progress amongst our herds. It has evidently not yet attained its culminating point. Since we last noted its progress, the ray of hope that shot across our path has been obscured, and there is no hope now that it is bovine small-pox, and that vaccination is a remedy. All experiments performed to test this theory have failed to prove it, and Dr. Murchison and Mr. Ceeley regretfully admit that the disease amongst the oxen does not obey the laws of human small-pox. The disappointment of the public and press that no remedy can be found for the disease is great, and reproach upon medical science is thrown broadcast on every side. Yet there is nothing strange in this. We have as many remedies for cattle plague as for cholera, and certainly know quite as much about its nature. There was one thing that all who knew the disease pointed out as a means of arresting it, and which could not be pursued with cholera, typhus fever, and other human diseases, and that was "stamping it out"—killing each animal that became infected, and thus destroying the germs of the plague. This grand remedy has been known for upwards of a century. It has been successfully pursued in various parts of the world. By this measure France and Belgium have been spared the present epidemic. Aberdeenshire, with an intelligence worthy of all imitation, stamped out the disease. Still there are those who are haunted with the notion of a cure. Mr. Bright thinks it ought to be cured. The *Times* has never abandoned the hope of a remedy; witness the last new cure—onions and asafœtida. But if those who hope for cures would study the natural history of contagious diseases, they would find that there is no evidence that any of them are ever cured. They would find that certain persons do not have fevers get well, and that they have taken certain medicines; but that that they have got well on account of the medicines is altogether unproved—is, in fact, confounding the *propter hoc* with the *post hoc*. This is a very painful lesson for the public to learn, especially for cattle-owners; but the lesson has been pretty well taught by the experience of mankind in all ages. Take London as an example. In the month of January, London lost one thousand of its inhabitants by contagious diseases—diseases resembling the cattle plague. We hear nothing about the failure of the doctors to cure those diseases. They are submitted to as the necessity of the laws of disease. Why, then, ought we to expect cows to be cured? If you let the cows alone,



some will most assuredly get well. That is another law of contagious diseases. The cattle will not therefore all perish, and the time will come when all who can have it will have had it, and the disease will stop. The spread of contagious diseases can, however, be arrested. With regard to human beings this is not considered a matter of legislative importance; hence a thousand people a month are let die in London. But the isolation of diseased people, the enforcement of strict quarantine, and the destruction of the poison, will stop these diseases; and as cattle are considered as subjects more easily dealt with than human beings, the Legislature has passed an Act directing the destruction of suspected and diseased cattle. If the local authorities have faith in the principles we have laid down, and courage enough to act upon them, they may still stop the disease, although at a tremendous cost as compared with what it might have been done for six months ago. Perhaps, however, the cost of the experience may act as a salutary lesson for the future. The immediate sufferers also will have this consolation—that the Government and the Houses of Legislature have taken care in their Cattle Plague Bill that they shall not come to grief by placing the whole cost of the loss on the beef-eating population of Great Britain. We must forbear entering into the economical question of the compensation provided by the Government Bill for those who suffer from the destruction of their cattle to save their neighbours' herds; but we refer to the speeches of Mr. J. S. Mill in the House of Commons on this subject.

**Smithfield Mushrooms.**—The *Grocer* gives the following account of the manufacture of catchup from bullocks' livers:—"Enormous quantities of bullocks' livers are collected in England and imported in closed bags from the Continent. These are bought up by catchup-makers—not one or two known roughs, but men who are not generally known as publicans and sinners, and who have the confidence and, we may add, the cash of the largest distributors of pickles and sauces in the United Kingdom. The mushrooms are salted in tubs, and allowed to remain until the mass becomes thoroughly putrid, and—the details are nasty, but we cannot, in justice to the Anti-Adulteration League withhold them—the contents of the tubs are then boiled in iron tanks holding about 150 gallons each. Each boiling occupies a whole night. It is never carried on by day, for the simple reason that the stench from the boilers would bring down the indignation of the neighbours, who inconsistently hold out one hand to the poor retailer for cheap luxuries, and with the other destroy the sources of their production. Copper tanks are never used for the boiling operation, for reasons that will be apparent to our readers. All that remains now is to strain off the liquid carefully, and add to its natural fragrance and pungency by mixing with it the spices of 'Araby the blest.' That which remains after the straining operation is immediately covered with a layer of ashes, and sold at convenience to manure dealers."

**Mortality of Cities in the United Kingdom in January, 1866.**—The following returns are made up from the Weekly Return of Births and Deaths in London, published by the authority of the Registrar-General. The average mortality of eleven of the largest towns and



ities of Great Britain, during the month of December, 1865, was 30.8. The returns from thirteen towns and cities in January was 31.9. In December the highest mortality, 43 in 1000, was in Liverpool, and the lowest, 21 in 1000, in Dublin. In January, Liverpool still stood pre-eminent in the death-list with 43 in the 1000, and London was lowest in the list with 23 in the 1000.

1. Liverpool . . . . .	43
2. Manchester . . . . .	36
3. Leeds . . . . .	35
4. Newcastle . . . . .	35
5. Sheffield . . . . .	33
6. Salford . . . . .	33
7. Bristol . . . . .	32
8. Glasgow . . . . .	31
9. Hull . . . . .	29
10. Birmingham . . . . .	29
11. Dublin . . . . .	29
12. Edinburgh . . . . .	27
13. London . . . . .	23

The high mortality of many of the towns on the list is remarkable in connexion with the comparatively high temperature. Thus, according to the meteorological observations published by the Registrar-General, the temperature of the month was  $5.7^{\circ}$  above the average temperature of the month for the last fifty years (as determined by Mr. Glaisher).

**The London College of the International Education Society.**—This College is to be located at Spring Grove, Middlesex, and will be opened for the reception of pupils on Tuesday, the 1st of May, 1866. After a sure foundation has been laid in England, it is proposed to establish similar institutions in France, Germany, and Italy. The aim of these Colleges will be to impart an education of the highest order—sound in discipline and, in knowledge, harmonizing with the wants and spirit of the age. They will pursue a common system of education,—the same methods of instruction and, where possible, the same text books being employed in all. The effect of this will be that a boy passing from the College of one country to that of another will encounter no greater change than he would in passing from one form or class to another in the same school. In the foreign College; however, he will receive his instruction through the medium of a foreign language, a tolerable acquaintance with which he will have previously acquired. But, except in cases where special conversational proficiency is desired, it will not be necessary for English boys to go abroad, arrangements being made for the efficient teaching of modern languages in the English College itself. The curriculum of the College will occupy a period of from seven to eight years. A pupil having passed through it successfully will have received a complete liberal education; he will have been taught to write and speak two or three modern languages besides his own, and will have gone through an extensive course of instruction in the natural sciences. If, therefore, a boy of average ability enter this College at the age of ten, he ought at the age of seventeen or eighteen to be qualified to proceed to a university,

to pass examinations for the civil or military services, or to commence any career, professional, industrial, or commercial. The subjects of instruction will be (1.) English Language and Literature. (2.) Modern Languages. (3.) Latin and Greek Languages. (4.) Mathematics (Arithmetic, Algebra, Geometry, &c.). The great feature of the College will be the teaching of the Natural Sciences. There is perhaps no branch of knowledge more congenial to man—none more calculated to improve his intellect and better his condition than the natural sciences; yet there is none more commonly ignored in what is called a liberal education. The attention to be devoted to these subjects will be commensurate with their high importance. In teaching these sciences, the chief aim of the instructor will be to bring the mind of the pupil, by means of appropriate specimens and apparatus, into direct contact with the facts furnished by observation and experiment, and to discipline him in scientific method by reasoning from these facts to general truths. The elements of some branch of natural science will be taught in every class; a prominent place will be assigned to the study of the structure of the human body and the conditions of health.

**Zymotic Diseases in London.**—The group of zymotic diseases are those which are known to be propagated by means of a specific poison. On this account they are regarded as preventible diseases, as it is possible, by destroying or diluting and isolating the poison, to arrest their progress. Their number, in proportion to other diseases, may be taken as a gauge of the sanitary defects of a district. During the month of January, the following deaths from these diseases occurred in London :

Small Pox . . . . .	67
Measles . . . . .	171
Scarlatina . . . . .	141
Diphtheria . . . . .	41
Hooping Cough . . . . .	254
Typhus . . . . .	281
Diarrhœa . . . . .	45

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1000

The whole deaths of London during the month were 4958, so that the preventible death in London was 1 in 6. A third of the whole of the group occurred from typhus—the most preventible of the whole of these diseases. It is also the most costly, for it falls on years of age. About half the cases of typhus were between 20 and 60 of age (at least, if they were slaves) would be about thirty thousand pounds. In this calculation is entitled to any consideration, it will be seen that the most extravagant class of men in the country are the disease. There is another consideration on this point worthy the attention of the vestrymen, and that is, that where one death is prevented, there are twenty cases of disease arrested; and these would cost as much as the death; so London might thus save 60,000*l.* a month by preventing typhus fever alone.

## PROCEEDINGS OF SOCIETIES.

### METROPOLITAN ASSOCIATION OF MEDICAL OFFICERS OF HEALTH.

On Saturday, the 20th of January, Dr. Druitt, President, in the Chair. At this meeting a paper, by Dr. H. B. Montgomery, Member of the Sanitary Commission of Madras, &c., &c., was read, on the Origin and Propagation of Cholera in India by means of Religious Festivals and Pilgrimages.

To grapple successfully with epidemic disease, we must prevent its primary development, and in doing this we shall more easily attain success than in endeavouring to limit its extension. There has, hitherto, been too much attention given to the cure rather than the prevention of epidemic disease; but now, under the awakening sense of the value of hygiene, we may hope that we will henceforward have our attention directed to the laws of its propagation. I shall in the following paper discuss the possibility of checking those periodical ravages which are effected by epidemics, more especially in intertropical latitudes. I desire here, however, to guard against an error which might possibly arise from the title prefixed to this communication, and may briefly explain that it is intended to show not that special and exceptional laws regarding the origination of epidemic disease are in force in India, but rather that certain fixed causes of epidemic disease exist all over the world, and that in India we are able to identify cause and effect, while the teachings of our experience may not be quite without value in other countries.

The argument, in fact, is one from the "particular" to the "general;" and the application of any conclusions at which we may arrive regarding causation or prevention must be modified only by considerations of local peculiarities, as to the habits of the people or the character of the disease.

The author then observed that—

In our endeavour, then, to account for the frequency with which cholera is witnessed during or subsequent to festivals, or among bodies of pilgrims, it is desirable that we should appreciate the predisposing and immediate causes which tend to produce it. These may be classed as follows:

1. Undue exposure to the vicissitudes of climate, and the occurrence of certain atmospheric phenomena, including frequently absence of ozone.
2. Physical fatigue and nervous depression from prolonged travelling, mental apprehension, sorrow, or fear, more especially of this disease.
3. Undue abstinence or deprivation of food, or the presence of injurious properties in it.
4. Excess in eating, drinking, and licentiousness.
5. Vitiating atmosphere from miasmata.
6. Direct exposure to the contagion of the disease.



On each of these heads the author dwelt in detail, and concluded his paper as follows:—

At present, sanitation in India is more a theory than a science, and, like most other theories, has few supporters, and many most serious opponents, even among the classes whom education and experience should render the most capable to appreciate hygiene, its teachings and its object. We have to combat the prejudices of a people with whom the habits of the past are accepted as the precepts for the present, who resent innovation with open hostility, or impede it with passive opposition, and who are naturally utterly devoid of habits of cleanliness or—I may almost add—of decency; who will, if allowed, resort to the public thoroughfares for the purposes of nature, and who will construct cloacæ under the rooms where they live, and cook by day and sleep by night. A people they are who are listless and wanting in energy to shake off disease, and who are especially liable to all the nervous influences that render disease fatal. Can we wonder, then, that disease stalks through the land, and hurries thousands to the grave annually, and that their pilgrimages, intended by them as passports to eternity, frequently prove so, though, perhaps, in a more material manner than they anticipated or wished for?

I think not; nor can we, seeing how others suffer, and how our army may be paralysed and the best interests of our rule in India be perilled, any longer leave this matter to be simply a topic of inquiry and report rather than the subject of active interference.

The Commission to which I belong has not been inactive in this matter, and has promulgated a scheme which would do all that is needful, and almost all that is possible, at a cost absurdly small as compared with the advantages hoped to be attained. Under the provisions of it, officers of public health would be appointed at all military stations and civil towns. Conservancy establishments would be instituted, and regular statistics of births and deaths collected. The importance of these as indications of the condition of public health among the urban and rural population cannot be overstated. Among the more prominent officials of the scheme would be officers of experience, who would be the media of transmission of the district returns, and whose attention would be by them directed to any place, whether a village or an encamping-ground, or a public road, where epidemic disease might be present, and advice regarding, or caution against, access to such places would be afforded to travellers or bodies of troops.

In case of disease prevalent on trunk-roads, the rules advocated by the late Commander-in-Chief in India, Sir Hugh Rose, should be observed; and when bodies of travellers are attacked with disease, they should alter their course, and travel at right angles to the prevailing winds.

The conservancy of native towns would be directly supervised by the local health officer, and intimation of disease among travellers would be systematically conveyed to this officer by his immediate superior. The latter officer should, in my opinion, be authorised to direct the route of all bodies of people traversing his district; and he should

similarly, in concert with the military authorities, suggest the route to be observed by troops of all kinds.

The conservancy of encamping-grounds well situated, protected from undue exposure either to sun or water, should be promoted, and sites, well removed from public thoroughfares, should be established for cholera and fever camps, not only along the general line of the high roads of traffic, but within moderate distance of the more important towns.

An analysis of the drinking water of all wells and tanks likely to be resorted to by pilgrims or troops should be made, and the necessary instructions given to prevent the defilement of these by cattle.

Public health officers should also, I think, be authorised to enforce the observance by pilgrims of those rules regarding encamping which experience shows to be salutary. The separation of carts occupied as means of carriage by day and sleeping-places at night, the removal to a distance of all cattle employed by travellers, and the construction of sewage-pits close to, but to leeward of, all encampments.

The expenses attendant on these arrangements need not be great, and could be in many cases defrayed by the travellers themselves.

Public health officers should, I am of opinion, be authorised, through their establishment, to enforce the periodical washing of all carts used by a traveller, and the cleanliness of the clothing of all persons component parts of such large assemblies of people.

They should also be empowered to cause the division, into two or more sections, of parties so numerous as to be likely to have disease engendered among them; for the proclivity to disease of bodies of men is now conclusively shown to be in the direct ratio of these numbers.

Care should be taken that ground once used for encampment should not be again so employed until it has been exposed to the full action of one monsoon, and ground formerly the scene of epidemic disease should be as far as possible thereafter avoided.

I believe that by the adoption of some such measures as these, and by these alone, can the origination and propagation of epidemic diseases be prevented; and I bring the matter to the notice of this Society in the hope that the experience of some of those present may be able to suggest other and more efficient means of protecting public health.

For any such suggestions, I may add, I shall myself feel grateful, and it is of importance to me, as in some degree representing, however humbly, a new department in the organisation of the Madras Executive, that all the expedients that science can suggest, or experience can prove the value of, should be freely discussed by us this evening.

I confess that I, for one, do not shrink from the task of making the attempt to check disease, if I can only commence the task with a full conviction that the principles of action are well founded, and likely to conduce to a favourable result.

In India we are lamentably behind the age in sanitation. In this, as in everything, we can only follow England; but we look to the example of such societies as this to teach us, and I think I may promise that we will endeavour to be willing and patient students.



Our object is, at all events, a noble one. We hope to gain increased security—or, to speak more suitably, less risk to human life; and in this one common aspiration of humanity we are prepared for some failure, much discouragement and opposition, but the pain of these will be well endured if they eventuate in time in the ensurement of success.

On Saturday, February 17th, a paper was read “On the Dwellings of the Poor,” by Thomas Beggs, Esq. The following letter, addressed to the President of the Association, Dr. Druitt, was read to the meeting:—

“February 16, 1866.

“DEAR SIR,—I wish it were in my power to attend the meeting of the Metropolitan Association of Medical Officers of Health to-morrow, of which I received notice only this morning.

“The subject to be discussed is one on which I have both thought and written, and therefore I venture to trouble you with a few suggestions, which I hope may be favourably received by the scientific and energetic body to whom they are respectfully submitted.

“There are, I believe, three principal plans for improving the house-accommodation of working people.

“(a) There is the model lodging-house scheme—large and lofty blocks of building, intended to hold a number of families, at first erected under the auspices of the Metropolitan Association for Improving the Dwellings of Labourers, and afterwards adopted by Miss Burdett Coutts and Mr. Peabody’s trustees.

“(b) There is a plan which originated with Dr. Greenhill, of Hastings, and is now, I think, in operation in some parts of London, for the improvement of existing dwellings, as far as they admit of it, and thus fitting them in some degree for habitation by approved tenants, under proper regulations.

“(c) There is the suburban cottage or settlement scheme, in connexion with the cheap workmen’s railway train and with common dining-halls in London.

“I do not touch on the legal or co-operative machinery by which any of these plans may be carried into effect; but I am struck with the importance of the suggestions made by Mr. Beggs in his paper read in January at a departmental meeting of the Social Science Association, and I am much gratified to find that he supports that kind of labourer’s dwelling which I have always advocated.

“Referring, then, to the three methods I have briefly described, I would express my hope that so important a body as your Association will not commit itself *wholly* and *unreservedly* to the support of the scheme (a) which just now seems principally to attract public attention.

“In the first place, there are *à priori* reasons of a scientific nature against this plan, which may be truly called an improved method of more closely *packing the masses*. For it avowedly promotes a more dense aggregation of human beings; a number greater than ever is to be housed upon the same area of land. There must be, therefore, a



smaller amount of atmospheric air for each inhabitant to breathe, and that air must be rendered more unfit for respiration. No internal arrangement for the ventilation of rooms can compensate for the want of fresh air, or suffice for the maintenance of health in places where the atmosphere has been deprived of its ozone (or, at all events, of its oxidising, disinfecting, and purifying properties) by having been already used by a multitude of persons.

“The piling-up of living animals, layer upon layer—as men, women, and children are piled up in the numerous flats of these lofty buildings—cannot materially alter their noxious influence, as breathers and exhalers, on the atmosphere above a given surface of ground. Even the horizontal movements of air-winds, which might diminish the bad effects of undue aggregation, are checked by the height and magnitude of the blocks. And if the circulation of air be not wholly obstructed, yet if numbers of such enormous structures are to be built in close proximity, as some of their defenders propose, the air blown into any block must have been previously vitiated by passing its neighbours. The multiplication of these family barracks, so as vastly to increase the already excessive density of population, is surely a very alarming prospect, socially and physically, for the inhabitants of the metropolises.

“Secondly, I do not admit the validity of any statistics—*e.g.*, of death-rates and sickness returns—relating to these ‘model’ dwellings. For some time after they are opened, their inmates are (almost universally) the best, physically and morally, of the working classes. The most thrifty, decent, and industrious, and therefore the most healthy, are the first to secure the advantages of clean and civilised apartments. To infer from a relatively low ratio of death, &c., for a short period of time that this principle of housing is the best that could be adopted, would be certainly to jump at a most ill-founded and illogical conclusion.

“I will say nothing of plan *b*, because, though it may be very useful and beneficial as a provisional measure, it must in time be superseded by a more thorough reform of the horrible conditions in which the poor of crowded districts now live.

“But to plan *c* I beg the candid and careful consideration of your Association. If time allowed, I believe I could show, from reports of trials which have been made near London and elsewhere, that the plan is practical and practicable; that the rent (remunerative to builders) of a decent cottage, even with a small garden-plot, from five to ten miles out of town, added to the railway fares, does not equal the cost of most miserable rooms in the heart of the metropolis; that labourers can, by means of common dining-rooms (as those in Fleet-street), procure good, cheap, and sufficient food, more comfortable than at their homes; that the train now takes them to their out-of-town dwellings and to their families in *good time*, removing them from the debasing scenes and habits of the worst neighbourhoods of the metropolis; that the benefit to health and life of sleeping in comparatively fresh air has been established by long experience and by the general practice of all who can manage to live in the suburbs or country; that

the extension of the cheap-train system now brings this great benefit within the reach of labouring men; that the good old English habit of separate and independent family life is thus maintained, and a dangerous communism prevented; and that no other plan provides for the gradual dispersion, or wider distribution, of the masses, whose overcrowding in the rapidly increasing large towns of this kingdom is the acknowledged cause of the more serious evils and more firmly rooted abuses which sanitarians are struggling to conquer.

"Let me not be understood to oppose the erection of a limited number of blocks of lodgings, on approved principles, in town centres, for those workmen who, from various causes, may be quite unable to go into suburban residence. The proportion of these, however, is probably not so large as has been imagined. But the size, height, and human contents of the blocks should be under certain restrictions; and especially they should not be built near together, or in rows or streets. *The first desideratum is the suburban settlement.*

"I am, dear Sir,

"Yours faithfully,

"H. W. RUMSEY.

"The President of the Metropolitan Association  
of Medical Officers of Health."

The following "Memorandum of a Plan of United Action in the Case of an Epidemic of Cholera" was adopted at a recent meeting of this Association:—

I. *Water*.—All experience shows that water is the most common and most dangerous source of cholera; and that it may actually convey the discharges of the sick to the stomachs of the population. Should cholera be imported into any of those towns and villages which drain into the upper Thames, there can be no doubt that London would be in great danger. Hence it will be expedient, as regards the SUPPLY OF WATER—1. To communicate with the water companies, urging them to make sure that no water is delivered into their mains which has not undergone filtration. 2. To take double care in delivering their water clear. *It has been shown that the sediment is the most dangerous part of foul water.* To have the filtering beds thoroughly washed and cleansed from organic matter. 3. The possibility of purifying the water by artificial means (Condy, Clark, or Spencer's process), during an epidemic, should be considered. So much for the *quality* of the water. Next as to quantity. 4. A constant supply should be given to the courts inhabited by the poor, guarded by a "water-waste preventer." 5. A supply on Sundays is absolutely necessary; for the greater washing and cooking on Sunday mornings, when working men are at their own homes. 6. As regards STORAGE OF WATER. The public must be cautioned as to the condition of their water-receptacles. See *Handbill*. 7. All surface wells should be absolutely closed, even for watering the streets.

II. *Against the Spread of Cholera*.—Let us suppose that cholera is actually imported. This will probably be by some seafaring person coming from an infected port or ship; or by some person bringing the



disease with him from one of the outports. In order to stop the spread of cholera in houses—1. It is absolutely necessary to decompose and get rid of the EXCRETIONS of the patient, in all manners and in all places whither their influence can reach. *a.* The VESSELS or receptacles in which they are received should be dosed with some disinfectant at once, before they are taken out of the room. *b.* The CLOSETS and sinks should be treated in like manner, and well flushed, and a little disinfectant be put into the vessels after emptying them. *c.* The AIR of the sick chamber should be kept pure by free ventilation and some disinfectant. *d.* The body-clothes, bed-clothes and bedding, towels, and all other things contaminated with the discharges of the sick, should be disinfected by heat. (*See below, III.*) *e.* The poison must be followed—the *house drains* be flushed with water and disinfectants, the *gulleys* by the street pavement be trapped, and the ventilating openings of *sewers* in the middle of the streets be protected by charcoal boxes. *f.* It is presumed that the *drains of houses* are efficient, and well trapped from the sewer and from the house. It will be too late to attend to this when the disease is within our doors.

III. *Disinfection of Clothes.*—This is a most vital matter, not only as regards cholera, but scarlet fever and typhus. No infected clothes ought to be washed at home, or in public or private laundries, without preliminary disinfection. The best disinfectant is heat. The clothes should be put into a closed vessel, and subjected to steam under pressure, and then washed in the ordinary way. An apparatus of the sort should be set up by *every parish*, to which clothes can be sent to be steamed, and returned for washing. Failing this, the clothes should be steeped in cold water, dosed with Condyl's liquid.

IV. *Speedy Interment of the Dead.*—In the event of death, the corpses should be at once deposited in a shell, and be covered with Falcony's powder (sawdust and sulphate of zinc), or with charcoal, and be quickly buried. This matter will probably, in the case of an epidemic, be provided for by an Order in Council, under the 18th and 19th Vict. c. 116, s. 6. In any case it is desirable that deceased persons should be speedily removed from inhabited houses, and be deposited in a mortuary house before interment.\*

V. *Special Provision for Poor Districts.*—Heretofore we have spoken on the supposition that the persons concerned belonged to the classes that take care of themselves. But in the case of the helpless classes there is some further provision necessary. 1. *Special Sick Wards* for the reception of cholera patients must be provided. It may be said truly that the safety of a whole parish may depend on the energetic treatment of the first twenty sick persons. If these be removed from crowded dwellings, and their dwellings be disinfected, the mischief may stop. Hence, it is expedient to provide for the reception of a certain liberal number at first. This number should be determined by each district board, according to the circumstances of each. Of course there are limits beyond which the sick must be left at home; but all depends on the extinction of the disease by energetic treatment at first.

\* The cheap, light metallic coffins, sold at 501, New Oxford-street, would be found useful.



Cholera and typhus cases ought not to be admitted into general hospitals. 2. *House-to-house Visitation* (18 & 19 Vict. c. 116).—In every parish or district the number of houses inhabited by the helpless part of the population, and the population dependent, should be estimated, and arrangements made for house-to-house medical visitation. Medical students or other competent persons should be found to visit thoroughly every family in every house. In this climate diarrhœa usually precedes cholera for some days; and this diarrhœa should be checked by appropriate medicines, which the visitor should carry in a portable form. The visitor will also distribute bills (*see below*), and give information as to disinfection, purification of water, &c. 3. *Dispensing of Medicines* (18 & 19 Vict. c. 116).—These should be accessible to all classes, night and day, at some places to be made known by the local authority.

VI. *General Measures of Precaution*.—It is highly important that additional sanitary inspectors be appointed at once, if necessary, to carry out the ordinary means of precaution to the fullest extent; and even if no cholera visit us, the effect in diminishing diarrhœa and fever will be great. All the houses of the helpless classes should be inspected during this spring. Attention should be particularly directed to—*a*. The state of closets and sinks. *b*. Existence of rotten brick-drains or cesspools. *c*. Underground dwellings inhabited contrary to law. *d*. *Prompt legal proceedings* should be taken against persons permitting nuisances on their premises. *e*. Each district board is recommended to ask its surveyor for a formal account of the state of the public sewers in his district. *Removal of Dust, &c.*—In anticipation of a cholera outbreak, contracts made with dustmen and scavengers should provide for the more frequent removal of house refuse, and for the more efficient cleansing of streets. All refuse, dust, and dirt ought to be looked upon as containing possible germs of disease, which may be lifted in vapour or blown about by the wind, and so be inhaled or swallowed. At present, chiefly owing to the neglect of the inhabitants, no part of our municipal regulations is so inefficient. It is taken out of the hands of private persons, who are forbidden to remove dust themselves. The contractors are only bound to remove dust and ashes, which are harmless; and their men demand payment for removing vegetable or animal refuse, which are dangerous. It is commonly believed that the men get little or no wages, save such gratuities as they receive from householders. Certain it is, that whoever wants his house refuse removed punctually must pay the men. But many individuals, from parsimony or negligence, keep their refuse for long periods. The act of removing large accumulations in the open air in windy weather is a great nuisance. Animal and vegetable refuse ought to be burned; but unluckily just at the time when it is most noxious, poor families keep little or no fire. It is clear that the whole system requires to be altered. It would be wise economy this spring to have the streets kept more cleanly. Any householder who can afford it would do wisely to water the pavement and street in front of his house with a bottle of Condyl's liquid to twenty gallons of water.

VII. *Handbills*.—For the information of all classes handbills like

the following may be circulated: *Prevention of Cholera*.—The inhabitants of ——— are hereby cautioned by the local authority, under the advice of the medical officer of health, as to the best measures for avoiding an attack of cholera. 1. Every person attacked by diarrhœa, especially if without pain, should attend to himself, and obtain proper medicine. Purgative medicine should only be taken under proper advice. 2. All sudden checks to perspiration should be avoided, such as sitting in draughts of cold air when hot from exercise. It is always a good precaution to wear a belt of flannel round the stomach. 3. Every person should live regularly and temperately on those articles of food which he is used to, and which agree with him. There is no objection to fruit or vegetables, if good; but all *stale* or over-kept fruit, fish, meat, and vegetables should be shunned. Great care should be taken to give no stale or sour food to children. 4. Intemperance and drunkenness are *most* dangerous. It is to be feared that more cases of choleraic diarrhœa occur on Mondays, and days after a holiday, than at other times. 5. It is of the utmost consequence to avoid all foul smells, as of sinks, closets, drains, dustbins, and the like. It should be remembered that every closet and sink which let water down to a drain may allow bad air to come back, so that the *traps* should be looked to regularly, and be kept well charged with water, and a little of some disinfectant be put down most days. 6. The house should be kept sweet by opening windows and admitting plenty of fresh air. 7. If an inmate be attacked, and he cannot be put into a room by himself, it is better to send him to the hospital provided for the purpose. Infected clothes and bedding and apartments should be purified under the direction of the medical attendant. All that passes from the sick should be looked on as highly poisonous, and be got rid of at once, and every vessel and sink and cloth that it touches ought to be disinfected. 8. The greatest pains should be taken to secure pure water for drinking purposes. None should be used that is not quite bright, and this should be boiled and flavoured with tea, coffee, or burnt bread. If at all turbid or discoloured, it should be allowed to settle, or should be filtered, or both. Any one can filter water by letting it drip into a flannel bag containing lumps of freshly-burned charcoal. Another way is to add *one drop of Condyl's disinfectant* to a gallon of water; stir it well, and leave it for twenty-four hours to settle. No water should be drunk which comes out of a dirty butt, or has been standing near a sink or closet. Old cisterns should be cleaned, and wooden ones be charred or pitched inside. N.B.—The chief disinfectants are chloride of lime, tincture of iodine. Condyl's liquid, Burnett's liquid, MacDougal's powder, and carbolic acid. Any respectable chemist will supply a small quantity of any of them for sixpence, with directions for use. It will be observed that the gist of the foregoing advice is to breathe pure air, drink no impure water, and avoid everything that upsets the bowels.

#### THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

The following Address has been issued by this Association:—

The Executive Committee of the American Association for the Promotion of Social Science, in submitting to the public the Constitution



of the Association, would state some facts and present some considerations relating thereto.

It is now eight years since the formation of an Association in Great Britain, for the promotion of social science, gave celebrity to a name that has since become familiar to philanthropists all over the world. Uncertain to whom we may ascribe the happy generalisation by which all the subjects of human inquiry that specially concern the institutions of society are classed together under the name of *Social Science*, we have reason to accept this name as the most appropriate yet invented. It includes so much, and suggests so much, that we have adopted it, without hesitation, in designating our own organisation.

The British Association already alluded to was founded by a few earnest labourers in the cause of humanity, under the lead of Lord Brougham, who has been from the beginning its President. So great was the interest felt in the subject, however, that very early a large number of justly distinguished persons became members of the Association. Among these were Earl Russell, Lord Shaftesbury, the Earl of Carlisle, Lady Byron, Edwin Chadwick, Sir Walter Crofton, Miss Florence Nightingale, Sir James Kay Shuttleworth, Mrs. Jameson, Lord Houghton, Miss Mary Carpenter, Dr. Lankester, Matthew Davenport Hill, General Sabine, Arthur Helps, and Sir Fitzroy Kelly. At the annual meetings, which were held successively in Birmingham, Liverpool, Bradford, Glasgow, Dublin, London, Edinburgh, York, and Sheffield, a large attendance testified to the public appreciation of the labours of the Association; while the course of legislation, following the changes wrought in public opinion, gave evidence that the measures advocated at these meetings were of a practical sort. Several important bills, resulting in Acts of Parliament, have been carried by means of the discussions and exertions of the Social Science Association.

In 1862, an International Association, embracing the continental countries of Europe, was formed at Brussels, and has since held annual meetings, the last of which was at Berne, in the present year. This Association grew out of that in Great Britain, and included members of the latter among its own members. Our own Association, in the same way, traces its origin to the British National Association; from which we have taken the idea and the general principles of our Constitution.

In the details of its organisation, the parent society has made some modifications of its original plan, which we have adopted as the approved result of experience. Originally it had five departments, namely: I. Jurisprudence; II. Education; III. Punishment and Reformation; IV. Public Health; V. Social Economy. Afterwards a sixth was added, for Trade and International Law; but, more recently, they have been reduced to four, corresponding, except in order of sequence, to our own.

The range of the International Association is somewhat wider. In the words of its Constitution—

“The Association aims to develop the study of social science; to guide the public opinion towards the most practical means to improve civil and criminal legislation; to perfect and generalise education; to extend and determine the mission of art and literature in modern



society; to increase public wealth, and to insure its proper distribution; to improve the moral and physical condition of the working-classes; to aid, in fine, in the diffusion of those principles which make the strength and the dignity of nations."

We have not thought it advisable to follow the usage of the International Association, preferring that Art and Literature should be considered apart from the topics which we propose to discuss.

The preliminary measures for the formation of an Association, on the basis of that existing in Great Britain, having been taken by a few gentlemen and ladies in Boston, in the spring of 1865, at their request the Massachusetts Board of State Charities, in August last, issued a circular, inviting to a conference in Boston on the 4th of October. As it was presumed that many persons favourable to such a movement might not be able to attend the conference, the following suggestion and request was made at the end of the circular:—

"It has been suggested that a local society should be established in every State in which there shall be sufficient interest taken, and that these societies shall all be represented annually in a National Convention of the League, the proceedings of which shall be published, along with such contributions from the local societies as may be selected.

"If unable to attend the proposed meeting, would you be so good as to favour us with your views, by letter, concerning this plan, and, in general, in regard to the whole subject, in which, from your known reputation, you are believed to take an interest?"

In response to this invitation, a large number of gentlemen and ladies from Massachusetts, New York, and other States, assembled at the State House in Boston, on the 4th of October last, and proceeded to form an Association for the whole country. The meeting, presided over by his Excellency Governor Andrew, decided, by distinct vote, that the Association should receive the name of "American," and should enrol members from any part of the country; and our list of members already enrolled will show that this purpose has already been carried out. We enclose herewith a copy of the Constitution then adopted, with a form of signature for such persons as wish to become members; and we would announce that the Association is desirous of enrolling as many members as possible from all parts of North America. To become members, it is only necessary to sign the accompanying paper, and forward it, with the fee for admission, to our Treasurer, James Jackson Higginson, Esq., 40, State-street, Boston.

In response to that portion of the Circular of the Board of Charities quoted above, a great number of letters were received; one or more being sent from the States of Maine, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, Kentucky, Missouri, Iowa, Minnesota, and California, and from the District of Columbia. Among those who wrote expressing interest in such an association, were several Members of Congress; Drs. Ray, Chipley, Earl, Harlow, and Tyler, of the American Association of Superintendents of Insane Asylums; Messrs. Chandler and Willetts, of the Philadelphia Prison Society; the Board of Managers of the Philadelphia House of Refuge, the Warden of the Ohio Penitentiary, and many other gentlemen connected

with philanthropic enterprises or public institutions. Portions of this correspondence will be included in the Transactions of the Association, a being of public interest.

Since the formation of our Association, we have received notice of the formation of local Associations in Boston and Quincy; and movements for the establishment of State Associations are making in Vermont, in California, and elsewhere. A committee of one of the State institutions in Kentucky has also signified its interest in the subject by inviting our Association to hold its next annual meeting in Lexington Ky. Indeed, we everywhere find the opinion expressed, that the present is a particularly seasonable time for the labours of such Associations as ours.

But we also find that there is some uncertainty as to the precise nature of our Association, its aims and purposes. It may be well, therefore, to copy here what was said in the brief Report made by the Committee of Arrangements for the Conference of October 4:—

#### “PURPOSES OF THE ASSOCIATION.

“This Association proposes to afford to all persons interested in human improvement an opportunity to consider social economics as a whole.

“The persons composing it are expected to meet together to read papers and pursue discussions, and to seek the assistance of those who have a practical acquaintance with reform, as well as that of purely abstract reasoners.

“They are to collect all facts, diffuse all knowledge, and stimulate all inquiry, which have a bearing on social welfare. It has long since been shown that the man of science, who confines himself to a speciality—who does not, at the very least, conquer the underlying principles of other branches of scientific inquiry—is necessarily misled, and cannot avoid frequent mistakes. To have any perception of the perspective of his subject, he must see it in its relation to other subjects. Something like this is true of those who investigate the necessities of society. If they associate themselves together, they have the advantage of each other's knowledge; they do not misunderstand their own relative positions; and they insure an economy of time, labour, and money.

“We would offer the widest hospitality to individual convictions and to untried theories, provided only that such convictions and theories are the fruit of a serious purpose and an industrious life. To entertain the vagaries of the indolent would be at once undignified and unprofitable.

#### “THE FOUR DEPARTMENTS.

“1. Under the Department of Education will come everything relating to the interests of Public Schools, Universities, and Colleges; to Reformatory, Adult, and Evening Schools; to Instruction in the Useful Arts; to Systems of Apprenticeship; to Lyceums, Pulpits, and the formation of Societies for the purposes of Public Instruction. In this department will be debated also all questions relating to Classical, Linguistic, and Scientific studies, in their proportion to what is called an English Education; and the bearing of the publication of National and Patriotic Memorials upon Popular Culture.

“2. Upon the Department relating to Public Health a very large



proportion of the popular interest will naturally be fixed. All Sanitary and Hygienic matters will come before it; and what the Sanitary Commission has learned in the last four years will be made available, through its action, to the people at large. The subjects of Epidemics, of the origin and spread of Cholera, Yellow-Fever, and Eruptive Diseases will be legitimately discussed here. It will consider all questions Increase of Population, Vaccination, Ventilation of Public and Private Buildings, Drainage, Houses for the Poor, the Management of Cemeteries, Public Baths, Parks and Public Gardens, Places of Recreation, the Management of Hospitals and Insane Asylums, the Adulteration of Food and Drugs, all questions relating to the Duration of Human Life, Sanitary Regulations for the Army and Navy, and all matters of popular interest connected with medical science. We shall look to our ablest physicians and surgeons for contributions to this department.

"3. Under the head of Social Economy, we shall consider Pauperism *actual* rather than legal, and the relation and the responsibilities of the gifted and educated classes towards the weak, the witless, and the ignorant. We shall endeavour to make useful inquiries into the causes of Human Failure, and the Duties devolving upon Human Success. We shall consider the Hours of Labour; the Relation of Employers and Employed; the Employment of Women, by itself considered; the Relation of Idleness to Female Crime, Prostitution and Intemperance; Workhouses; Public Libraries and Museums; Savings Banks and Dispensaries. Here, too, will be discussed National Debt; the subjects of Tariff and Taxation; the Habits of Trade; the Quality of our Manufactures; the Control of Markets; the Monopolies in the Sale of Food, or the production of articles of common use; the Value of Gold; and all questions connected with the Currency.

"4. In the Department of Jurisprudence, we aim to consider, first, the absolute Science of Right; and, second, the Amendment of Laws. This department should be the final resort of the other three; for when the laws of Education, of Public Health, and of Social Economy are fully ascertained, the law of the land should recognise and define them all. Under this head will be considered all questions of the justice, the expediency, and the results of existing statutes; including their administration and interpretation, and especially their bearing on Suffrage, Property, Privilege, Debt, Crime, and Pauperism. Here, then, will come up the vexed questions of Prison Discipline and Capital Punishment."

It will thus be seen that our scope is sufficiently general, and the field for our labours sufficiently broad. But we shall, without doubt, discover other topics which equally claim attention; and shall not refuse to entertain any inquiry by which the progress of humanity may be investigated or promoted.

In this great work there will be a place for all. All existing societies for the advancement of Education, Public Health, the Reformation of Criminals, the Improvement of Prison Discipline, &c., can and ought to co-operate with us. We shall be glad to receive papers and hold discussions on any of the subjects named, or others which may properly come before us; and we would here particularly invite students of



these subjects to bring or send papers discussing them to our next General Meeting, on the 27th of December next.

On that day, a meeting of the Association will take place in Boston commencing at 10 A.M., and continuing as long as is found necessary for the purpose of hearing addresses and communications, and of holding discussions touching the questions which may come before us. All members, and the public generally, are invited to be present. The place of meeting will be announced in the newspapers.

In the interval between this time and the General Meeting, it is hoped that all members, and all persons to whom this Address may be sent, will exert themselves to distribute it, to enrol members, and to spread a knowledge of the existence and objects of the Association, so far as they have opportunity.

For the Committee.

WILLIAM B. ROGERS, *President.*

SAMUEL ELIOT, } *General*

F. B. SANBORN, } *Secretaries.*

Boston, Nov. 22, 1865.

#### LEEDS BRANCH OF THE LADIES' SANITARY ASSOCIATION.

The first annual meeting of this branch was held in the Philosophical Hall, on the 18th of December last, when a large audience were present, the Lord Bishop of Ripon in the chair, supported by the Vicar of the new Canon Attay, Colonel French Gascoigne, Dr. W. B. Richardson, F.R.C.P., London; Dr. Allbutt, Leeds; Mr. Smith, F.R.C.S. Colonel Francis, Mr. Ikin, and several influential ladies and gentlemen, and the leading clergy, &c. The Hon. Secretary, Mr. Ikin, read the report, showing the operations and utility of the branch; it also referred to the present defective sanitary condition of Leeds, and made several practical suggestions to lessen, if not remove, the evils now existing. It recommended the appointment of a medical officer of health, and urged that some independent, efficient, scientific gentleman (not a local practitioner) should be fixed upon. The Corporation of Leeds were urged to take active measures to lessen the undue mortality now existing, and co-operation of all parties with the authorities was recommended. Letters were read from the Earl of Shaftesbury, the Hon. Wm. Cowper, M.P., and other influential sanitary reformers, expressing their interest in the cause, and their regret at not being able to be present. The Bishop of Ripon made an excellent speech, and referred to his previous sanitary labours in the metropolis; Dr. Richardson, who attended the meeting at the express invitation of the branch, spoke of the difficulties sanitary reformers and societies had always at first to contend against, and on the apathy of the public till panic aroused them to action. He referred to the objects of the present association, and alluded to several important points, such as the removal of the sick and their conveyance from their homes to the hospital; the danger of communicating diseases from laundries where clothes are indiscriminately collected; and the great need of a better class of work-rooms, especially for sempstresses and others. He saw no reason why Leeds should not become as healthy as any other town in England, for it was advantageously circumstanced, and had ample opportunities of making sanitary improvement.

## CORRESPONDENCE.

### LIPSCOMBE'S FILTERS.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—It is a matter of great practical importance that the question whether a filter can remove lead and lime from water should be settled. If filters can do so, it is more than is generally known to chemists; and if Mr. Lipscombe has constructed a filter of this kind, he should give further evidence than is contained in his circular of what his filters can do. On the other hand, if these filters do not remove lime and lead, especially the latter, persons may be led to put a false trust in them, and life might be sacrificed. The experiment would be an easy one, and, for the sake of his own reputation, Mr. Lipscombe ought to submit his filter to some competent chemist, in order that its qualities in this respect should be reported.

I am, &c.

PATERFAMILIAS.

### LIPSCOMBE'S FILTERS.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

Royal College of Chemistry, February 20, 1866.

DEAR SIR,—In Mr. Lipscombe's circular is the statement "that his patent filters remove lead and lime from water; that chemists have hitherto deemed it impracticable, but acknowledge that it is successfully accomplished by him." This statement must be taken for what it is worth, unless Mr. Lipscombe informs the public how he proposes to accomplish this feat by means of his patent filters, and who the chemists are that acknowledge that lead and lime have been successfully removed thereby from waters.

What constitutes a good drinking-water? The Registrar-General instances the water from Loch Katrine as a model water, and we have been taught to look upon the town of Glasgow as favoured before most others by possessing an abundant supply of pure water. Now, the total residue left on evaporation of Loch Katrine water amounts, according to an analysis which is before me, to 2.08 grains per gallon, 0.82 of which are organic matter; whilst the water supplied to parts of the metropolis by the New River Company, which is acknowledged to be the best London water, leaves nearly ten times as much residue, and contains from 1 to 2 grains of organic matter per gallon. The principal constituents in most spring waters which deserve consideration in a hygienic and industrial point of view are organic matter, carbonate and sulphate of lime.

Organic substances in waters may be divided into oxidisable and non-oxidisable. The oxidisable organic substances, to which the Registrar-General's Monthly Report has of late drawn our attention so prominently, are those which alone need be looked upon as threatening *direct* danger to health. It is a well-ascertained fact that even this oxidisable organic matter is no absolute criterion of the impurity of a drinking-water, since ammonia-salts, nitrites, and nitrates, resulting from the already accomplished oxidation of nitrogenous organic substances, are clear and unmistakable evidence of dangers *past*: the two former, marking, as they do, merely stages of the decomposition, need alone be viewed as really dangerous.

Now, how do filters, ostensibly praised for purifying drinking-waters, affect these ingredients?

Carbonate of lime and also carbonate of magnesia, which are held in solution by

the free carbonic acid that imparts to drinking-waters their freshness, are removed, as we all know, by boiling; the carbonic acid being expelled, the carbonates are precipitated. The same could be effected by using a filtering-bed containing an admixture of caustic lime, which would have the power of fixing the free carbonic acid, and hence precipitate the carbonate of lime. But then the filtered water would become alkaline, having, of necessity, dissolved out some caustic lime. Sulphate of lime (gypsum), the other principal lime-salt, would not be affected materially by boiling, and not at all by filtering in contact with caustic lime; moreover, the efficacy of such a filter would soon be lost.

More than ten years ago, when the late Prince Consort interested himself in devising means for purifying and softening waters, the various processes then known for accomplishing this highly desirable object were thoroughly investigated by two accomplished chemists, Mr. F. Versmann and Dr. L. Reff, and the conclusion at which these gentlemen arrived was, that carbonate of soda and silicate of soda, or water-glass, should be employed for softening waters, i. e. for removing lime and magnesia salts, in whatever form they might be present. But it was never dreamed of that waters could be thus softened for drinking purposes. Medical men would, I suppose, object to have Glauber salt (sulphate of soda) substituted for gypsum, and to have the water rendered alkaline by the introduction of carbonate and silicate of soda.

It would lead me too far to enumerate here all the numerous propositions that have ever been made for softening waters. A process may answer very well when water has to be softened for industrial purposes, but not when required for drinking or culinary purposes.

Lead can no more be removed from water than lime-salts, without disturbing the composition of the water.

But then must not a water, filtered or not, be condemned which is at all capable of acting upon lead, such as is observed in the case of waters that scarcely contain any carbonate, but plenty of organic matter? By removing the lead, the danger which is indicated by the very occurrence of the metal is by no means removed, and it can therefore be little comfort to the general public to be told by Mr. Lipscombe that he has accomplished this feat "to the satisfaction of chemists."

A water which is capable of acting upon lead must be condemned under any circumstances, and no filtering process will improve it into a good drinking-water.

This leads me to the consideration of the last injurious constituent of all waters—the organic matter.

There again filtration can only effect the mechanical removal of suspended organic matter, but cannot affect organic substances that are in a state of solution. Filters made of purified animal charcoal promise to exert some influence upon this organic matter, and it is to be hoped that further experience will shed additional light upon the question of the purification of drinking-waters.

It has repeatedly come under my notice that the public are most scrupulous about filtering their water; but that the condition of cisterns or tanks in which the water-supply is stored in private houses is often disgracefully neglected, that organic matter, both animal and vegetable, is allowed to find its way into and to accumulate in cisterns to a most dangerous extent. Only a few days ago I became acquainted with a case where an accumulation of filth, nearly an inch in thickness (among other detestable objects, dead mice), was discovered in a cistern in London, which had not been cleaned for several years; and it was only after the family had lost a child from an attack of dysentery, which was attributed by the medical man to bad water, that the matter was at all inquired into, and the cistern thoroughly cleaned.

I am, dear Sir, yours very truly,

Dr. E. Lancaster.

W. VALENTIN



## EMPLOYMENT FOR WOMEN.

By WHATELEY COOKE TAYLOR, ESQ.

**H**OW to provide fitting employment for women?

Every one acknowledges the importance, if not the actual necessity, of doing so, but how? and what kind of employment? We propose here making a few reflections to see in how far they will assist us in answering these questions.

Let us attentively consider the terms of the proposition; it is not how to *find employment*, but how to *provide fitting employment*. In the just appreciation of this distinction lies the path to the solution of the difficulty.

First of all, as regards employment in general. Every one who has given any attention at all to these sorts of subjects knows how the labour market is subsisted: when the supply is defective, the demand is proportionally high; when the demand is low, the supply is in excess, and both are continually tending to equilibrium. If there is a surplus fund of labour engaged in any particular employment, it must in time be drafted into others where there is a deficiency, the weaker and less productive members of the community going first, the stronger and more productive retaining their original positions. When the market is in a thoroughly healthy condition, all employments have their maximum complement of labourers, and each is occupying the position in which his utility is the most marked. By a process similar to that which is known by the name of Natural Selection, each individual in the aggregate settles to that kind of labour to which he is best adapted, either in displacing another not so well adapted, or in occupying a vacant place. Nature, left to her own devices, adapts the available means to the necessary end, and the fitness of any individual or number of individuals—speaking generally—is shown by the nature of the employment in which they ultimately merge. But, in order that this be so, it is essential that nature should be left to her own devices; artificial interference, by monopoly or otherwise, must necessarily disturb the equilibrium, and throw all into confusion. We know how restrictions upon foreign trade for so long imperiled our commerce, and no monopoly either of labour or materials can in the long run go unpunished; the law of supply and demand, not less than any other natural law, cannot be broken with impunity, and, like others, it is by understanding and facilitating its operation that the greatest amount of good may be obtained from it.

Such, then, being allowed to be the case, let us see how the fact will affect the question of the employment of women. Were

the law left to its own operation, we might *à priori* expect to find men and women both occupying those positions in society for which they were the most fitted by nature; the process of selection would be going on, and has gone on for ages, and each would, so to speak, have stepped into that particular niche which had been excavated for them in the economy of things. But what do we really find to be the case? We find that men have effected a monopoly and disturbed the just equilibrium. Instead of all employments being thrown open alike to both sexes, and the fitness of either tested by the only fair and certain tests—their respective capacities for that employment—men have arrogated to themselves almost every one through which material wealth can be obtained, and have wholly shut out their sister from competition. Having persistently slighted and ignored the law by which both should be governed alike, having carefully closed almost every avenue which nature and justice had opened to them, they then ingenuously come forward and ask, How to provide employment for women? qualifying the inquiry with the further proviso, that the employment should be *fitting*. What is this, or what can this be, but a mere subterfuge and pretence? How to provide employment! There is no necessity for *providing* it; the employment, and plenty of it, will provide and does provide itself; all that is required is that it should be left to do so, and not curtailed, and interfered with, and monopolised by a class. Why has a woman less right than man to earn her bread? and is it worthy of him to play the tyrant and deny her that right? Before he seeks to provide her with new employments, in all common sense and common decency, let him give her her share of those which already exist. But, it may be said, men do not want women to labour—they are too generous, too noble; they wish to labour for them, and let the woman share the proceeds without the toils; the greatest incentive *he* has to work is to provide sustenance and support for *her*. This is “generous;” this is “noble!” That woman may be dependent upon him, and that he may lord it over her, he will deny her the commonest and most indefeasible right of humanity—the right to labour. “Generous” and “noble” indeed! as generous as to give food to your slave, that his services may be of the greater value; as noble as to deny education to the people, lest they should learn with how little wisdom they are governed. So transparent a pretext as this cannot but be seen through upon even the most superficial consideration; the only wonder is that it should ever be advanced at all. It is easy enough to say that it is for the happiness and benefit of women themselves that they should not work, but at all events give them the chance of doing so if inclined, and if they refuse, then see about providing for them by all means. To say that it is for the benefit of women that the right to labour should not be conceded to them equally



with men is, at the best, the merest assertion without even the shadow of a proof; for, since the experiment has never yet been tried, we can form no positive opinion of the results. On the other hand, as far as all analogy goes, it seems distinctly to contradict the notion. In those few employments, such as literature and the fine arts, in which they are upon something like an equality with men, we do not find that they have proved themselves either unwilling to avail themselves of their privilege, or unable to support their position with distinction and honour. We find exactly the contrary. In those other employments reckoned more especially feminine, such as dressmaking, stitching, &c., we do not find that the labour market is deficient in supply; we find, on the contrary, that it is so hideously overstocked, that results the most terrible and painful follow; we find women living for an entire week upon the wages men receive for one day's labour, and starving and dying when out of employment for ever so short a time. With these facts before our eyes, and with still more dreadful ones enacting around us every day, how can any one be wicked and cruel enough to suffer a hollow pretence to serve as an excuse, or afford a pretended palliation, for the selfish and unfair monopoly set up by men in their own behalf?

Moreover, let us see *who* it is that decides what is fitting for women, and what is not. It is not nature, as we have seen; it is not woman herself—she has no voice in the matter. Who then is it but man, whose interest it is to keep the monopoly in his own hands, and who pretends to determine what is fit for her, and what is not? Was there ever such a perfect *reductio ad absurdum* as this?—that he may keep the advantages that he has usurped, man says that it is not fitting they should be shared; but how does man know what is fit for woman? How does any one know what is fit for him till he tries, or until at least he has some good foregone reasons to go upon? But all the reason and all the experience in this case are the other way; women have almost invariably, when placed upon an equality with men, proved themselves fully their equals. Look at our queens, authoresses, painters, sculptors, musicians. Yes; but Catherine of Russia was depraved, and Christina of Sweden only something better. Show me your kings in the world's history who have not been as bad, or, generally, far worse, only that they were men, and, as such, were not to be bound by mere ties of morality. The fact is, instead of expecting less self-command and strength of mind from women than men, we expect far more, and are, moreover, surprised and shocked when we do not find it, too. The wonderful thing is that, notwithstanding our present one-sided social system, we are not oftener shocked than we are. This fact alone speaks volumes in favour of the oppressed sex. Now, we protest altogether against man being



the arbitrator of woman's fate and the judge of woman's fitness. If these be not left to nature, then let them, at all events, be left to herself as the person best qualified to form an opinion. If they be left to man, he must, consciously or unconsciously, it does not matter, judge selfishly. It is his nature, and it is the quality he has ever cultivated most. Let us take, for instance, an illustration—one of the most favourable to him that we can find; let us consider his objection to throwing all employments open to woman, for her own sake, on the ground of its destroying that meekness, softness, gentle and dependent disposition, which are deemed *par excellence* "feminine" attributes. We do not enter into the sense or reason of imagining such results necessarily to follow. What is the real meaning of this objection? Is it supposed that the meekness, softness, &c., are useful or agreeable qualities to her? Not in the least; but he knows that they are very agreeable and very useful qualities to him, and it is for this reason he would wish her to retain them. The real meaning is, that he imagines a meek and soft person will afford him greater gratification in his hours of ease than an independent and less pliable one, and for that reason declares the departure from his ideal to be "unfeminine." There is no less selfishness in this than in any other of his pretensions, however he may attempt to disguise the fact, even from himself.

It is in this spirit the question of the employment of women is usually discussed, and it is against this spirit we desire most earnestly to protest. The question is essentially a woman's question, and should be judged from a woman's point of view. It should not be said by men, it is not well for *us* that they should be employed in this occupation or in that; it should not be said by men, it is not well for women. The proof of whether it is well or not is always at hand to be applied, and by that proof alone the question should be judged. Let the opportunity be afforded, let the occupation or profession be tried: if woman is fit for it, she will succeed; if woman is unfit for it, she will fail, and justice will have been done to all. Surely there is nothing simpler than this. We do not say woman is fit for every occupation in which man is employed, and we do not say that she is not; we say merely, if she chooses to try, let her do so, and let the result decide. If every woman does not wish to be independent, then let those who wish for dependence have it; we would not compel any one, even for their own good. Is this too much to ask—the mere right to work, if so inclined? Does it not seem outrageous and disgraceful that it should be so accounted? Does it not seem unjust and ignoble? Does it not seem irrational and unfair?

In our day, there is no question of more grave and immediate importance than that of the employment of women. The

present social position of the female sex is calculated to arouse sorrow and dismay in every educated and generous mind. What becomes of portionless and friendless women? Whither do they go, and how do they exist? Alas! we know only too well; our police courts are full of their doings; our social statistics afford us details but too truthful and minute. They live amongst us a separate and condemned caste, and trade upon the vices of the community. Unrecognised in law, unknown to friendships, charity, and love, they live and they die unregretted and unmissed. The backslums of large cities, the haunts of shame, iniquity, and crime, form their abode on earth, and the workhouse or the prison is the portal of their last home. With a refinement of cruelty wholly unparalleled, it has of late years formed an essential part of the morality of our legislators to hunt them about from one wretched den to another, and to add absurd and unnecessary persecution to their already sufficiently miserable fate. And here, existing in the midst of us, is this great and terrible evil; and we are told that there is nothing to be done but express our horror at the wickedness of others, and thank God that we are better than they. But is this so, and is there nothing to be done? We cannot think so. Want and idleness are two terrible diseases, but the same cure is applicable to both. Let the labour market be thrown open; let every one have a fair and equal chance. If women do not profit by it, and if their social position is not improved, then will it be time to say that nature is in fault, and not man; until that is done, it is simple dishonesty to pretend it. We do not expect, of course, an immediate and final cure of those evils which have hitherto walked hand in hand with civilisation to follow upon the adoption of our system; that is but the dream of an enthusiast. We do not expect to see women oust men from the position which they have so long held, and straightway reverse that of the two sexes. What we do expect to see is a very great decrease of social misery and vice, a very great improvement in the condition and character of woman, and a very great benefit to the community at large. This is certainly not too much to expect from a reform founded alike upon the principles of political economy, the principles of common justice, the principles of expediency, humanity, and good sense.

How, then, to procure fitting employment for women?

There is no necessity to do so; the employment will *procure* itself, and time will tell whether it is *fitting* or not. Let there be real freedom of trade in labour; let there be no privileged class or sex; let all start upon fair and equal terms alike, and this great difficulty of the "employment of women" needs no longer wait a solution, for the problem will solve itself.

## REVIEWS.

## THE CATTLE PLAGUE.\*

THAT which has long been acknowledged as a national calamity is at last in a fair way of being understood, more successfully grappled with, and it is to be hoped prevented from continuing its ravages in this country.

Perhaps on no matter of public interest that has within the past few years occupied attention have we found so many volunteers coming forward and endeavouring to unravel mystery, or prescribe a cure; and certainly the variety of opinions put forth as to the cause, and the numerous remedies proposed for the cure and prevention of the cattle plague, have even outnumbered the originators themselves. Every one who has had a fling at the subject seems to have had some pet theory of treatment or cause of production, and to have been equally confident one with another of theirs being the most probably true agent in either cure or propagation.

We have before us two works, exactly bearing out what we mean. Dr. Bourguignon, with no doubt feelings of practical truth, expresses his astonishment that we should suppose there can be "anything new in the worlds of space," or fail to see with him, that "we have in this instance led many conscientious inquirers to misapprehend both the nature and treatment of the cattle complaint," which, to his mind, is decidedly diagnosed easily as "contagious typhus," and is to be successfully treated during four stages—Incubation, Initiation, Duration, and Decline: in the first stage, by modified diet, and even purgation and bleeding, with an *antimiasmatic beverage*, either a "permanganate of potash" or a solution of "arsenate of soda;" in the second stage, by bleeding or purging, laxative or drastic, as the constitution of the animal is understood, and "*acidulated drinks*;" and in the third condition, by following step by step the symptoms, and using setons, quinine, acetate of ammonia, camomile infusions, &c., as circumstances may suggest; whilst in the fourth or declining stage, "everything must tend to support the organism."

On the other hand, Surgeon-Major Logie, who has been amongst the farmers of Cheshire, comes out with a theory, that "the soil in this country is so charged with foreign matter, so changed from what it formerly was, that were we subjected to a tropical sun for forty-eight hours, our fields would become a mass of creeping things, and a pestilence would result." He acknowledges three methods by which the disease may be communicated—by food, by inhalation, and by actual contact. He goes on to say, "This being the case, I am inclined to

\* On the Cattle Disease. By Surgeon-Major Logie, Royal Horse Guards (London: Churchill, 1866.)

On the Cattle Plague, or Contagious Typhus in Horned Cattle, &c. By H. Bourguignon, M.D. Paris, &c. (London: Churchill, 1865.)

The Cattle Plague, with Official Reports of the International Congress held at Hamburg, 1863, and in Vienna, 1865. By John Gamgee, Principal of the Albert Veterinary College, &c. &c. (London: Hardwicke, 1866.)



vote the recommendation of a general 'stamping out' a melancholy display of ignorance, and to apply the same term to the abuse of the present Government for want of activity in suppressing the disease, and for neglect as to its prevention. . . ."

With certainty, Dr. Logie states the rinderpest "is a blood-disease, allied, when fully developed, to what was formerly called 'putrid fever.'" He divides into three classes—Mild, Severe, Hopeless. Acknowledging that all remedies have proved useless, he suggests a cure by change in the nature of the disease through chemical means. He approves of vaccination, not as an antidote to the poison, but on the principle that two poisons cannot operate on the organism at one time, and that "of two evils it is better to choose the least." The treatment suggested is as follows: With a pint of linseed oil, a drachm of santonine, or the active principle of the *Artemesia santonica*, or worm-seed, is administered; carbonate-of-ammonia drinks follow, and gruel every morning and evening is recommended. After the first operation of the purgative, the decoction of the pitcher-plant (*Saracinea purpurea*), with the tincture of the sesquichloride of iron in large doses, is gone on with every three or four hours. In the fully developed stage of the disease, the introduction of remedial agents into the blood is suggested, and "transfusion" is brought into connexion with this subject. For the prevention of the plague, Dr. Logie would stop the importation of foreign manures, sprinkle all the land with lime, fill up the pits and ditches with the same, and apply it in a liquid form to all grass.

The treatment here recommended has one peculiarity that cannot pass unnoticed. Dr. Logie states that the remedy he regards as so efficacious can only be obtained from Messrs. Savory and Moore, and that alone must place a very awkward barrier in the way of any general adoption of his suggestions.

Now, when two so dissimilar papers are circulated, and when we see men of talent and learning in professional subjects each supporting their own notions and ideas to the exclusion of all others, we are at a loss how to act, and hail with greater pleasure than we should even otherwise do a work that is comprehensive, decisive, sensible, honest, and true. Such a volume we have before us in Professor Gamgee's book, very well described by a reviewer lately as consisting of two parts—"predictions made, and predictions verified." It must be a source of immense satisfaction to the Professor to find, that not only have all his warnings been sound and rational, but that after all the attacks on "the faithful picture," and the numbers of enemies risen up around him, with innumerable opponents to his opinions and thoughts, he stands at this moment the oldest, if not the only man who proffered suitable advice, and who, if he had been attended to, would have been enabled to avert much of the force of the approaching epidemic. As early as November, 1863, Professor Gamgee wrote to the *Times* on this "plague," and he has himself said that even last June "the calamity was capable of speedy and certain remedy."

The appointment of Professor Gamgee by the Privy Council to enquire into the subject of the cattle disease, in relation to the supplies

of milk and meat, as far back as 1862, and the subsequent Congress at Hamburg, are familiar now to all readers; since that time he has not ceased to point out our danger as a country, and how we could best prepare to meet it. The points upon which Professor Gamgee most emphatically insists are the following: the foreign origin of the malady, the impossibility of the spontaneous development in our London dairies, the perfect insufficiency and inutility of any kind of treatment, the folly of establishing hospitals or sanatoria, the importance of regulating traffic in live stock, and the slaughter of any infected or diseased animal—in other words, an energetic “stamping out.”

As to the first proposition, Professor Gamgee gives it as his deliberate opinion that the plague is *sui generis*, and never originates spontaneously beyond Russia. “It is a specific, malignant, and highly contagious fever,” confined entirely to animals, and never attacking the same beast twice. In times past this disease has been included under the term “murrain,” and therefore its past history is somewhat unsatisfactory. It does not partake of the characters of typhus altogether, and the French name for the disorder, “le typhus contagieux des bêtes bovines,” is therefore calculated to mislead.

Professor Gamgee does not allow the doctrine of development *per se*. He denies that the disease is inherited like scrofula, but ascribes to it the same laws of reproduction as those which regulate the development of the virus of variola in the human subject.

There is one point worthy of attention in the course of symptoms described as occurring in the progress of the disease. At the very outset of the disorder in an animal, and some time before any other sign of indisposition is manifest, there is in every instance a very perceptible rise in the temperature of the affected beast. The elevation in the sickening animals will amount to nearly five or six degrees. When the animals recover, the temperature decreases gradually to the normal standard.

There is no symptom so unmistakeable and satisfactory, and which is of more moment in the professor's mind, than the thermometric observations.

Mr. Gamgee weighs the opinions put forward in favour of the cattle plague and small-pox being synonymous, but gives an adverse verdict, because the eruption is not vesicular, the prominent symptoms differ, the anatomical lesions are not identical, and vaccination cannot prevent the plague.

Further, Professor Gamgee gives it as his opinion that the plague will never extinguish itself, and he says that “it killed the last animals in Egypt, in 1863, as rapidly as it did the first.” Here we think the professor is somewhat in error, and since the matter has occupied more public attention, it is found that there is no reason to doubt that the cattle plague and other epidemics differ in their character of progress.

Dr. Farr has been working at the subject, and he has given it to the world that the cattle plague does diminish in virulence as it increases in amount of animals attacked; and it has been stated that in the natural course of events the disease would die out; in fact, that nature has adopted that which Mr. Gamgee recommends as the only cure.

a "stamping out." Of course to such doctrines we cannot expect Mr. Gamgee to agree after his very decided antagonism to the idea of spontaneous decline; but there is strong ground for supposing that such is really the existing state of affairs.

Mr. Gamgee suggests that which has long struck us as highly important, the inadvisability of permitting the importation of *any* live cattle into London. He suggests that all beasts should be slaughtered immediately on landing from the vessels, and that under no consideration should this rule be departed from.

The professor points out how defective we are in our arrangements as regards dairies in London and other large towns, and he suggests that "a rational town-dairy system" be attempted. To remove all such places to the suburbs, and to alter the method of feeding, seem to be the two more important points needed.

As to the treatment of the cattle plague, Mr. Gamgee is very decided. Throughout the work he constantly impresses on the reader the danger resulting from such a course, and with expressions such as these: "We should never treat cases of plague in Great Britain: they may do what they choose in Russia; but here it is our duty to prevent or exterminate the disease, and not play with it by using drugs;" and again, "I know of no antidote to be used internally—I have no faith in our ever reaching the virus with effect in the living animal," he most emphatically reprobates any but the simplest remedy—slaughter. The large mass of information that is contained in the reports of the International Congress, which forms a great deal of the bulk of the volume before us, prevents our attempting to notice it in the cursory way our space would compel us. That the matter might have been condensed by the omission of many of the discussions, such, for instance, as that on "dogs' muzzles," is patent to every one who reads the book; and that much useless printing and space is occupied by the frequent passages as to the Congress voting, and the manner in which it was carried out, is a fault that it would have been well to have seen and remedied.

A verbatim account of such a meeting as that held at Vienna was hardly wanted, and we think a considerable curtailment of this second International Congress's proceedings would satisfactorily reduce the size of the book, without detracting from its importance or general interest.

We cannot, however, be too lavish of our praises on the great value of Mr. Gamgee's book. It is a thoroughly well-written and ably-thought treatise on the subject, and cannot be too implicitly trusted in all its important parts. We are certainly of opinion that no man knows so much of the cattle plague as Professor Gamgee, and no one has so thoroughly and disinterestedly given his views to the world, and striven to be of service to his country in connexion with the universally acknowledged calamity. The general appearance and careful preparation of the book reflect also great credit on the publisher, who, with the author, has been evidently anxious to hasten its publication.

J. J. P.



## CAUSES OF THE POVERTY AND DISCONTENT OF IRELAND.\*

**A**T a time when Ireland and Irish affairs are deservedly occupying so large a share of public attention, the views and testimony of Irishmen themselves, especially those with opportunity and capacity for forming an independent judgment, are particularly valuable. It is unfortunately a fact that we are in this country far too much in the habit of regarding the affairs of the sister island from a wholly English point of view, and of seeking in other than her natural, political, and economical condition the explanation of those phenomena of distress and disloyalty which have been of late years of periodical recurrence. There are amongst us some who, not otherwise ill informed, are so entirely ignorant upon this subject of Ireland, that they have come at length to believe in her possessing no real tangible grievances remediable by law whatever; and there are many who have no clear idea of what these grievances are, and have never, perhaps, seen them stated concisely and all together. It is, then, with considerable pleasure that we welcome the appearance of an able, sensible, and moderate pamphlet, by Mr. F. M. Jennings, a gentleman himself fulfilling the necessary conditions enumerated above, and possessing very well defined and just ideas upon this subject.

Mr. Jennings commences his work by a careful review of the resources of Ireland compared with those of England, Scotland, Belgium, and France, as well as of those—more generally—of other countries, chiefly in the matters of mineral wealth and agricultural produce. He shows that whereas Ireland is vastly deficient in the former through natural causes, in the latter she is also at a great economical disadvantage by reason of the unjust relations subsisting between landlord and tenant, equivalent, as he very truly remarks, to “a bounty on the importation of corn to Ireland.” The result of this is, that the land in Ireland is rapidly passing into pasture, thereby greatly lowering the productiveness of the soil and the demand for labour, and forcing the mass of the population to emigrate, or to conspire against the Government, in the hope of bettering their position. The unjust system of tenure of land to which he refers is that according to which leases are granted for short periods only, thereby discouraging improvements in cultivation, and the want of a fair tenant right, by which the tenant would be compensated for whatever extra fertility or productive advantages he had conferred upon his farm when ejected by the landlord. According to the present prevalent system, no draining, fencing, or other permanent improvements are likely to be made, as the tenant must do it wholly at his own cost, and is entitled to no compensation when dispossessed; and this, too, in a country where, from the moisture of the climate, farm-buildings and good drainage are of the most

\* An Inquiry into the Causes of the Poverty and Discontent in Ireland, with Suggestions for their Removal. By F. M. Jennings, Member of the Royal Irish Academy, &c. &c. London: Simpkin, Marshall, and Co., 4, Stationers' Hall-court. Dublin: Hodges, Smith, and Co., 104, Grafton-street.

vital consequence. Mr. Jennings then compares elaborately the laws and customs in relation to land in England and Ireland, and proves—what we imagine will be new to some—that tenant right, properly so called, not only exists in England, but is recognised and pleaded in the courts of law and before the judges of assize. He condemns, though with no great harshness, the evils of absenteeism and non-resident proprietorship, and justly stigmatises the degraded condition of the people, possessing no interest in the soil, as the true explanation of “the various rebellious movements which have taken place from time to time, including the present Fenian conspiracy.”

Some of the “anomalies” of Ireland are then brought under our notice, among which are the Established Church, with which Mr. Jennings deals somewhat tenderly, and the Bar, in connexion with which he exhibits some very startling statistics. Not the least valuable part of this eminently practical and suggestive pamphlet are the reforms he proposes in this institution—reforms which seem to us to be not only desirable, but loudly called for. His observations upon the best means of facilitating and cheapening legislation for the prosecution of public works are all worthy of the greatest attention.

Finally, Mr. Jennings sums up in his concluding remarks the results at which he has arrived, and methodises the matter already brought forward. The question to which he assigns the most prominent place in estimating the present and future of Ireland is that of landlord and tenant, and in the fair adjustment of this he looks forward to the gradual, but ultimate, regeneration of the country. But there is another, upon which we could have wished that Mr. Jennings had—not, indeed, insisted with greater force, for that could scarcely be—but pursued somewhat further to its conclusion. We allude to the want of a middle class in Ireland, the most pressing and fundamental need of its social and political existence. Mr. Jennings’s reasoning, and the facts he adduces in connexion with this point, are to the last degree instructive and important. The whole number of landed proprietors in Ireland, according to the census of 1861, amounted only to 8412, a number whose extravagant disproportion to the population of the country requires no comment. Now, remembering that Ireland, according to Mr. Jennings’s showing, is possessed of comparatively no mineral wealth, and but little manufacturing industry; that, for instance, against 36,000,000*l.* worth of metal and coal produced in Great Britain in 1863, we have under 500,000*l.* worth to show in Ireland; that the proportion of hands employed “in the flax, cotton, silk, woollen, and jute factories, as well as handloom weavers” (which comprehends almost all, or absolutely all, the manufactures of Ireland, and but a portion of those in England), was as 1 to 7 to those in England and Wales; we come upon the very suggestive fact, that whereas a large middle class exists in England, made up of manufacturers, miners, and the like, there is practically no corresponding class whatever in Ireland, and that those who have an interest in the preservation of order and the stability of the empire are reduced to some 8000 or 9000 landed proprietors—mainly absentees—and a few—a very few—capitalists and traders. What wonder that in such a state



of things Ireland is in a continual ferment, and that nothing but the strong hand of the law, enforced by military and police, keeps the populace in subjection? Here is—economically speaking—a small oligarchy of landlords, to whom the country and all its resources belong, and whose interests are foreign to those of the mass of the population. Here are in close contiguity the two extremes of social life, and with no intermediate class, as amongst us and almost every other civilised European nation, between them to soften down asperities, to hold the balance, and constitute the stepping-stone from the one to the other. Mr. Jennings's remarks upon this very serious fact are most just, and his recommendations above question, so far as they go. After stating the case in full, he proceeds to say: "It is most important and necessary, as I have before shown, to increase the number of persons in Ireland who have an interest and stake in the country;" and, in another place: "This uncertainty" (of life, property, &c.) "must exist until the class in Ireland possessing property that would be jeopardised by rebellion be greatly extended; for it is notorious that disaffection is widely spread in the other provinces of the country;" and again, after showing by another chain of reasoning and statistics the necessity of a middle class, he proceeds to say: "But it is evident that a middle class cannot be called into existence without the circumstances admitted to be necessary for its development, namely, manufactures, commerce, and mineral wealth," which, as we have already seen, Ireland does not possess. "The greater necessity, therefore, for a substitute similar in character to the yeoman class, which would be on the side of order and of the British Government, and be the surest and truest bulwark against either conspiracy or invasion. This could be accomplished by an improved tenure of land." But here Mr. Jennings stops; he proposes an improved system of land-tenure, but he omits to state precisely what he would have. From the reference to the yeoman class we should, of course, conclude that he meant the introduction of the system known as peasant proprietorship, only that we are confident that, had Mr. Jennings so intended, he would at once have stated the fact. On the contrary, we are of opinion, from the general tenor of his preceding observations, that he would be inclined to stop short of this, and it is upon this point we venture to join issue with him. Anything short of this cannot, in our mind, be productive of more than temporary good, if even of that. It is the character of a people you have to change; and it is to the niggardliness of nature you have to adapt your measures. Manufactures, minerals, commerce, cannot be created by law; but a system of peasant proprietorship can, and it is by some legislative application or modification of this principle to the existing state of things in Ireland that that middle class must be there created, which Mr. Jennings rightly regards as the true strength and safeguard of a country.

The pamphlet concludes with a clever summary of the principal administrative evils under which Ireland suffers, conceived in the original form of a series of suggestions offered to statesmen for ruining the prosperity of any given country in the shortest possible



time. We can cordially recommend its perusal to all those who are desirous of accurate and concise information upon "The Causes of the Poverty and Discontent of Ireland." W. C. T.

## BRIEF NOTICES OF BOOKS AND PAPERS.

*The Sanitary Condition of the Poor in relation to Disease, Poverty, and Crime, and on the Control and Prevention of Infectious Diseases.* By BENSON BAKER, M.R.C.S.E. &c., Medical Officer and Public Vaccinator of Christ Church District, Marylebone.

This pamphlet hints at most of the evils which arise from the neglect of sanitary regulations, and suggests some simple remedies. As a parochial medical officer he says, "I am daily called upon to witness suffering and sickness in crowded rooms, which is fostered by bad ventilation and insufficient drainage."—"Here small-pox and typhus fever are frequent visitors. It is not an uncommon thing for a family of eight to occupy one small room, in which men, women, and children, of all ages, eat, drink, and sleep. In such a place as this, and under such circumstances, where little air enters, and less light, can it be a matter of surprise that Death is so frequent a visitor, that to those who witness his work he has lost all his terrors?"

In this district the sanitary condition of hundreds of houses is defective, and it is imperative that something should speedily be done. The tubs and cisterns in many cases are inefficient for the water-supply, and nobody seems to know when they were last cleaned out; the lids do not fit, consequently they are receptacles for all kinds of filth. Mr. Baker very properly suggests that for the homes of the poor to be cleansed, repaired, and made comfortable, cleanliness should be made a condition of tenancy. He says, "I know no places where personal cleanliness is at a lower standard than in many of the small streets of my district; dirt is allowed to begrime the walls, so as to render it difficult to tell what the original colour was; in a word, many of the rooms in George-street, Charles-street, Little Bell-street, and Little Church-street, are so neglected by the tenants as to become neither more nor less than fever-nests." It would be well if vestrymen in all the London parishes were to obtain the evidence of their medical officers; and if the same truthful picture of the misery and degradation of the poor which Mr. Baker has represented as existing in the Marylebone parish were collected for other districts, it is to be feared that this would not be found the worst in the metropolis.

*The Organization of Nursing in a Large Town. With an Introduction and Notes,* by FLORENCE NIGHTINGALE. Liverpool: A. Holden; London: Longman, Green, and Co.

This little work is a prospectus of the Liverpool Training School and Home for Nurses, which has been so successfully carried out under the direction and advice of Miss Nightingale. After training nurses for the infirmary, the next object has been to bring good nursing into the homes of the poor, through an organised system of district nursing; also to provide nurses for the sick in private families, with respect to which it appears the committee have little hopes of keeping pace with the demands. The most valuable parts of this pamphlet are the details, forms, and other information given in the Appendix, showing the "method of working" of the scheme. The work affords most essential aid to those who "desire to enter into similar organisations in their own town" or neighbourhood. Any opinion of Miss Nightingale carries great weight, and the introduction to these pages will be read with much interest; while the work itself contains a fund of information necessary for carrying out an organised system of hospital and home nursing.

*The Laws relating to Public Health: Sanitary—Medical—Protective. With Notes, Forms, and Practical Instructions.* By THOMAS BAKER, Esq., of the Inner Temple, Barrister-at-Law, &c. London: W. Maxwell, Sweet, Stevens, Sons, and Haynes.

The various Acts passed by the Legislature for the protection of public health have now become so numerous as to render necessary a comprehensive analysis of them. This important work of digesting and arranging the Sanitary, Medical, and Protective statutes under different heads, with forms, practical instructions, and cases appended, with notes and index, will prove a most useful guide to corporations,

guardians, and rate-payers, as well as to the medical profession and the public at large. The work is divided into six parts; the first includes the Acts relating to sanitary works, in which the following are comprehended: 1. Public Health and Local Government Acts. 2. Nuisances Removal and Diseases Prevention Acts. 3. Metropolis Management Acts. 4. Metropolis Water Act. 5. Baths and Wash-houses Acts. 6. Smoke Nuisance Acts. 7. Alkali Works Act. 8. Recreation Grounds Act. 9. Public Improvements Act, 10. Common Lodging-houses Act. 11. Burial Acts. 12. Bakehouses Act.

In these Acts everything which relates to the constitution of local authorities, sewerage, water-supply, offensive trades, and every duty regulating the surveyors, inspectors of nuisances, and the proceedings of public boards and corporations, are treated in a most admirable manner. Acts relating to bodily care form one entire section, and include, amongst others, the Factories Act, bleaching and dyeing works, inspection of collieries, accidents from gunpowder, storage of petroleum, protection of chimney-sweepers, and safety from fire. Acts relating to food and poison form another section, including the Adulteration of Bread Act, Food Analysis Act, sale of diseased cattle, importation of diseased cattle, sale of arsenic, besides portions of other statutes before recited as far as they relate to food and poison. Acts relating to medical care, medical officers and medical practitioners, and pharmaceutical chemists, bring under special notice the Contagious Diseases Prevention Act, vaccination, quarantine, and lunacy, besides the Apothecaries Act and the Pharmaceutical Chemists Act. Amongst the various forms in the Appendix, we observe bye-laws for the regulation of slaughter-houses, nuisances arising from snow, filth, cleansing footways, the keeping of animals, &c. We find also the instructional minutes issued from Whitehall, in 1855, relating to the duties and qualifications of officers of health. It appears impossible for the municipalities and vestries of England to carry out the multifarious powers given to them by so many legislative enactments, and to fulfil as they ought to do their duties as conservators of the public health, without constant reference and even patient study in detail of this very comprehensive work.

*Overcrowding, the Evil and Remedy.* By H. N. BARNET, Esq.

In spite of every effort made by associations for improving the dwellings of the industrial classes, such as the Waterloo-buildings, the Peabody and other examples of improved constructions of houses for the industrial classes, we find that overcrowding is being forced on the London poor at a rate more rapid than improved accommodation is being provided for them. The exigencies of the railway system drive the poor out of their homes, and compel them to huddle together in places unfit for human habitation. The task, however, of extending improved dwelling-house accommodation for the working classes appears to occupy the minds of men who have hitherto kept aloof from philanthropic schemes; they are now endeavouring to promote these desirable objects on the basis of a sound commercial enterprise. The pamphlet before us is a complete résumé of everything that has been done in this direction during the last twenty years. The author shows that the work is one of the most pressing and momentous problems of our time, and that it can be brought within utilitarian conditions, and offer the capitalists a commercially remunerative investment, or that seven or eight per cent. may be obtained for those who invest their capital in this class of houses. The author of this work very properly criticises the enterprise of the trustees of the Peabody fund. He says, "If you spend it in charity, you may lodge, perhaps, fifteen hundred or two thousand families; but by making it a great paying concern, its example will lodge all the poverty in London." It is to be feared that an expenditure of injudicious and lavish outlay in external decoration and artificial novelties of design, contributes to strengthen the too common impression that undertakings of this nature can never become a good investment. Public interest is absolutely necessary, and appears likely to be secured in carrying out the efforts to provide homes for the poor. It appears that as a commercial investment such undertakings on a large scale may be made to pay, while philanthropic schemes can but, at the best, provide for the wants of a very limited number of persons. It is to be hoped that the bills now passing through Parliament—that of Mr. Childers, for authorising the Treasures Loan Commission to lend four per cent., and that of Mr. M. Torrens, authorising pestilential localities to be purchased and demolished, and suburban houses to be erected by parochial authorities—will give an impulse in all directions, that in some measure will meet the pressing wants of the poor for healthy home-accommodation.



## MONTHLY CHRONICLE.

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**The London Workhouses.**—Some interesting facts relative to the management of the London workhouses by “guardians of the poor” have been brought to light in papers just issued under the authority of the Poor Law Board. It is an ascertained fact, but one not generally known, that the greatest diversity prevails among the London guardians as to the amount of food which shall be given to a pauper; and, indeed, to such an extent is this diversity carried, that while the average weekly cost of a pauper in one London parish amounts to above 5s., in another it is as low as a little above 2s. This is taking classes together; but the distinction is more marked when a particular class is taken. An “able-bodied” man in one union is estimated to cost for food alone something over 3s. a week, while in another he is only allowed food for the seven days to the cost of under 2s. On inquiring, more curiously still, it is found that the guardians of one union allow their able-bodied paupers as much as nearly 120 oz. of bread a week each, while the guardians of another give the same class man 80 oz. By the tables composed by Mr. T. Harries, of the Poor Law Board, on the dietaries of convicts, it is shown that at Pentonville Prison a convict gets 140 oz. of bread a week, and at Millbank Prison 150 oz.; so that, as regards the “staff of life,” the convict has the advantage over the pauper. With respect to meat, in no London workhouse is meat given every day, and the *maximum* amount given in any London workhouse to “able-bodied” is below the *minimum* given in a London convict prison, that *minimum* being 30 oz. In fact, the quantity of meat given at some of the workhouses to able-bodied paupers cannot exceed half this amount, calculating even the meat given in soup, broth, suet pudding, and in every other way. The days in workhouses are marked by the dinners. Sunday is invariably a “meat day,” when, taking Hampstead, for instance, an able-bodied man or woman has 5 oz. of meat, 8 oz. of potatoes, and 4 oz. of bread for dinner. Monday is a “soup day,” when an able-bodied man has 6 oz. of bread and a pint and a half of soup; and an able-bodied woman 5 oz. of bread and the same quantity of soup. Tuesday is a “cheese day,” when able-bodied men and women have 2 oz. of cheese with 8 oz. and 7 oz. of bread respectively. Wednesday is a “soup day,” when Monday’s fare is given; and Thursday is the only other “meat day” in the week, when Sunday’s dinner is repeated. Friday is a “pudding day,” 14 oz. and 12 oz. of pudding forming the sole dinner of an able-bodied man or woman; and Saturday is another “soup day.” The breakfast for this class is 6 oz. of bread for men and 5 oz. for women, with a pint and a half of gruel; and the only other meal is the supper, when 6 oz. and 5 oz. of bread for men and women respectively and  $1\frac{1}{2}$  oz. cheese constitute the third and last meal for six days, while on the seventh a pint and a half of broth stands in the place of the cheese. This is said to be a “high dietary” house; but nearly all the other



workhouses give three meat dinners a week to the able-bodied. Children have but two dinners a week in this house, 4 oz. at each meal to those below nine years of age, and 5 oz. to those above. In St. Luke's, Chelsea, children under three years have 3 oz. of meat every day, and those up to nine years have 4 oz. six days a week. The general quantity of meat given is 5 oz. three days a week to able-bodied; but St. Luke's, Old-street, a generally well-conducted workhouse, gives 6 oz. At St. Giles's and Bloomsbury workhouse 8 oz. is given twice a week, and 4 oz. of bacon on a third day. In the dieting of the infirm and aged, and children of different ages, there is so great a variation in the different workhouses as to lead to the conclusion either that at some the paupers generally are overfed, or that at others they do not have more than sufficient to keep body and soul together. It is a common error to suppose that the Poor Law Board frames, or at least sanctions, all the dietaries in use in the London workhouses. The fact is, the boards of guardians, with the supposed aid of their medical officers, frame the dietaries, which they submit to the Poor Law Board for approval; but this rule is not always observed by parishes under local Acts, where the guardians frame whatever dietaries they like, and the consequence is many of those now in use have not been sanctioned by the central authority. It is desirable, as is shown by this diversity, that there should be a uniform dietary for all the workhouses in London.

**Butchers' Microscopical Societies.**—A correspondent of the *Medical Times and Gazette* says:—"The trichina question is taking a practical aspect in Germany, in the shape of the formation of microscopical societies by pork-butchers. That at Nordhausen, in Prussian Saxony, has just published its rules, stating in the preamble, that, as the microscopical examination of the flesh destined for sale is the only security for the public and the trade, and that as where this has to be paid for it will be apt to be neglected, it has been resolved to form a society, which Professor Kützing has agreed to instruct in the art of using the microscope and detecting the trichinæ in their various forms. Those persons who are desirous of being members of the society must be in possession of a sufficiently good microscope, and have learned the use of it for the detection of the trichinæ. The microscope must be always kept in good condition, and at least three portions of the muscles of each pig must be submitted to examination immediately after slaughtering. The preparations must be kept carefully between glasses for mutual examination and control, under the superintendence of Dr. Kützing. When the microscopes and preparations are not found to be kept in proper order, reproof will be administered, which, if not efficacious, will be followed by expulsion from the society. The society, moreover, offers to pay, for every pig containing trichinæ delivered up to it, not only more than the market price of the animal, but a premium of fifty thalers. This is, at all events, a good practical attempt at meeting what has become in Germany a great public calamity."

**Examination of Girls.**—The Cambridge local examinations for girls in London, Brighton, Bristol, Cambridge, and Sheffield have

been a great success : 76 went in for the senior examination and 50 for the junior, of whom 28 seniors (nearly 37 per cent.) and 8 juniors (just 16 per cent.) were rejected. Among the boys, nearly 38 per cent. of the seniors and 22.3 of the juniors were rejected; so the girls did, on the whole, better than the boys. The total number of girls, however, being so much smaller, the per-centage comparison must not be taken as quite decisive. The girls were very good in arithmetic, only 2 juniors and 1 senior failing to pass it. Three junior girls attempted Latin, and all succeeded. Of 9 senior girls who took it, 2 failed. Thirty-five juniors, of whom none failed, and 65 seniors, of whom 7 failed, took French. The examiners thought the senior girls and boys on a par in French, but thought the junior girls better than the junior boys, who trust too much to Latin analogies in mastering French grammar. In drawing, the girls were much better than the boys—one girl surpassing all the others in her colour-sketch, which was, says the examiner, “admirable.” It is reported, moreover, that the girls worked steadily and in a business-like way, without any sign of weariness, or any appearance of ill effects of any sort. After all, these fair creatures do not seem to be quite so entirely like Mrs. Wittitterly, quite so much in danger of passing away with a breath, as some of our contemporaries feared.—*Spectator*.

**The Albert Medal.**—A recent *Gazette* announces the institution by warrant of a new Order of Merit, “the Albert Medal,” to be awarded, in cases where it shall be considered fit, to such persons as shall, after the date of the said warrant, endanger their own lives in saving or endeavouring to save the lives of others from shipwreck or other peril of the sea. This is well as far as it goes; but why should not the new order be more comprehensive? Why should it be limited to those who risk life in the endeavour to save life on and in salt water? The hero who faces fire-damp to rescue the victims of a colliery accident, or confronts death by fire to deliver the inmates of a burning house, is surely as deserving of notice and reward as is the gallant fellow who jumps overboard to rescue a perishing comrade, or who volunteers to man a lifeboat on a lee shore in a gale of wind. We hope that her Majesty’s advisers will reconsider this matter, and will extend the scope of the Albert Medal so as to render it a reward and distinction to all doers of gallant deeds achieved in the cause of humanity.—*Pall Mall Gazette*.

**Baths and Washhouses in St. Pancras.**—At the weekly meeting of the St. Pancras Vestry, Mr. Churchwarden Robson in the chair, the Baths and Washhouses Commissioners reported that they had, after great exertion, in the course of which the Duke of Bedford and Lord Southampton had thrown every obstacle in their way, obtained a site on which to build baths and washhouses. The site was in King-street, Camden-town. The Marquis of Camden had done all he could to help them, but he was only the leaseholder for sixteen years, but by his influence with the Prebend of Canteloves and with the consent of the Ecclesiastical Commissioners, they had come to an arrangement to pay 600*l.* for the leasehold of sixteen years, and then 1260*l.* for the



freehold, making a total of 2860*l*. The site for which this was to be paid was 180 feet long, or 60 feet wide. On the motion of Mr. Watson, the vestry sanctioned this arrangement. It is proposed to have three baths and washhouses in the parish—one north, one south, and one central (that now sanctioned)—but owing to the opposition of Lord Somers, who will not part with an old music-hall the magistrates have refused to license, great difficulty is experienced in finding sites.

**Post Office Savings Banks.**—From a recently published return relating to the Post Office Savings Banks in England, Wales, and the Islands, it appears that up to the 31st of March, 1865, there were nearly 482,637 deposit accounts open, of which 212,000 were opened in the year which ended on that day; nearly 69,000 accounts were closed during the same period. In the year ending 20th of March, 1864, the gross amount to the credit of all the open accounts in question was 3,828,804*l*.; the amount of deposits in the year which followed that date was 3,056,412*l*.; of withdrawals, 1,834,940*l*.; amounts to the credit of all open accounts on March 31st, 1865, 5,050,275*l*. 17*s*. 2*d*. The total sum deposited in the Post Office Savings Banks of Scotland on the 31st of March last was 127,453*l*.; the same, in Ireland, 188,196*l*.; Wales, alone, 165,000*l*.; the Islands (Man, Jersey, Guernsey, and Alderney), 11,643*l*., of which Man held more than half. Of the English counties, Middlesex held nearly a million (972,042*l*.); Warwick, 550,000*l*.; Lancaster, 258,700*l*. (the cotton-famine and iron-plenty has to do with these numbers); Surrey, 375,000*l*.; Kent, 324,000*l*.; Stafford, 247,000*l*.; Southampton, 223,000*l*.; Yorkshire, 185,000*l*.: the smallest sum deposited in any county was 3240*l*. by that of Rutland; Westmoreland was next, with 13,000*l*.; then Hereford, with 16,000*l*. In Wales, Glamorgan stood with 48,000*l*.; Merioneth, with 19,000*l*., came next; Anglesea was the lowest, with 2700*l*. In Scotland, only Forfarshire, with 15,700*l*., Lanark, with 15,000*l*., and Edinburgh, with 11,000*l*., exceeded 10,000*l*., though Aberdeen, Ayr, and Fife came very near to that sum. Scattered Cromarty deposited only 70*l*. (this is the lowest sum in connexion with all the counties of Great Britain and Ireland); there were only twenty-eight depositors in the country. Orkney held 430*l*.; remote Shetland, 456*l*. Little Clackmannan, the smallest county of all, owns nearly 1600*l*. of savings, though Peebles, which is nearly four times as large, has not more than 283*l*. In Ireland, the only counties which exceeded 20,000*l*. of savings were Dublin, 36,000*l*., and Antrim, 21,000*l*.; Cork holds 15,500*l*. No other county but Mayo exceeded 9000*l*. (9033*l*.) Leitrim stood lowest with 1136*l*. In these summaries we have generally taken the decades to their nearest hundreds of pounds.

**Hydrophobia.**—Within the last three months the papers have recorded four deaths from hydrophobia—three in London and one in Manchester. From these cases there can be no doubt that this terrible disease is spreading amongst dogs, and every precaution should be taken that it does not extend to human beings. In the cases in which inquests have been held, the animals have not been inspected,



and from this fact it is evident that dogs which have got the disease are allowed to go about and contaminate one another. The evil of dog-rearing and keeping is very great. The larger proportion of those which are fostered are of no use, whilst a large number run about without any owners at all. Under these circumstances, it seems desirable that means should be taken at once to destroy all dogs which are not under proper observance. As the warm weather increases, the disposition to take this disease will increase. Surely our authorities will not hesitate acting in this matter, as they did in the cattle plague, and wait till public alarm is at the highest before taking any step towards arresting an evil which would be comparatively small if confined to dogs, but which is most serious from its liability to destroy human life.

**Digest of the Case Law of England.**—A deputation was appointed to wait upon Earl Russell at his official residence, Downing-street, on the question of the digest of the case law of England. As the members of the deputation arrived, they were informed that Lord Russell was too ill to receive them, and a number of gentlemen consequently left. Most of them, however, remained, and discussed what future steps should be taken in the matter. Amongst those who remained were the Earl of Harrowby, Mr. Bazley, M.P.; Mr. Cheetham, M.P.; Mr. Peel, M.P.; Mr. Platt, M.P.; Mr. Padmore, M.P.; Mr. Sherriff, M.P.; Mr. Hadfield, M.P.; Mr. Ewart, M.P.; Lord Milton, M.P.; Mr. Norwood, M.P.; Mr. G. W. Hastings, general secretary of the Association; Mr. Evans, M.P.; Mr. Wright, Birmingham; Mr. Williams and Mr. Wilson, Incorporated Law Society; Mr. Gassiot, R.S.; Mr. Westlocke, Mr. Teulon, Mr. Chambers, Mr. F. Hill, Dr. Hankhurst, Dr. Waddilove, and Mr. A. Edgar. Before separating, arrangements were made for giving effect to the object the deputation held in view.

**Great Meeting of Agricultural Labourers.**—A densely crowded meeting of the agricultural labourers of the districts surrounding Maidstone was held at the Castle Inn, Week-street, Maidstone, for the purpose of taking into consideration their present low wages, with the view of taking steps for an increase of them. Long before the time of commencing proceedings, the room, which is capable of holding 200, was crowded to excess, likewise several other rooms, the staircase, and passage leading thereto. There could not have been less than from 400 to 500 agricultural labourers present, coming from the districts of Langley, Bearsted, Otham, Farleigh, Maidstone, Barming, Tovil, Loose, Boxley, Thurnham, Watlingbury, Town Sutton, Chart, Oxheath, West Farleigh, Boughton, Leeds, Hunton, Debtling, Sutton Mence, Aylesford, Nettlestead, Hollingbourne, Burham, &c. Mr. C. Keen, having taken the chair, stated the objects for which they had met. James Bonner, labourer, of Tovil, then addressed the meeting, and concluded by proposing, "That this meeting is of opinion, considering the great rise in provisions and other necessaries, together with the fact that nearly every branch of industry had received an increase of price, that the farmers in this district be solicited to grant their labourers

an advance of 6d. per day upon the present scale of wages." The above proposition having been seconded by William Beale, labourer, it was unanimously carried amid loud cheers. Edwin Hollands, labourer, of Langley, proposed, "That an increase of 2d. in the shilling upon the present scale of piece-work be sought for, as commensurate with that of day-work." Seconded by George Cooper, labourer, of Maidstone, and carried without a dissentient. Proposed by Edwin Tree, labourer, of Otham, and seconded by W. Tree, labourer, of Bearsted, "That this meeting is further of opinion that it is the duty of the employers to permit their men to leave their work at four o'clock on Saturday afternoons." Carried amid loud acclamation. W. Moorcraft, labourer, Bearsted, proposed, and Samuel Kitchenham, labourer, seconded, "That 4d. per hour be asked for every hour overtime." Carried unanimously. An adjourned meeting was held in the Corn Exchange, Maidstone, when upwards of 600 labourers were present. C. Keen, having been unanimously voted in the chair, briefly detailed the proceedings of the last meeting, after which C. Knight, baker, Theckstone, and Povey delivered spirited addresses to those assembled. A memorial embracing the foregoing resolutions was then adopted to the farmers of West Kent, to which nearly 1000 signatures were attached.—*Maidstone Telegraph*.

**Concentrated Meat.**—Dr. Hassall has invented a process by which meat can be dried and powdered; and a company has been formed to prepare and sell this preparation. Dr. Hassall, in a letter to the *Lancet*, says: The meat is dried without the loss of a particle of any one of its constituents, for the most part at a temperature below the coagulating point of albumen, and the product so obtained is then ground and dressed into a very fine powder, constituting, in fact, "a flour of meat." This powder, when prepared from beef, is of a light brown colour, of a very agreeable taste, and one pound of it represents about four pounds of the flesh of meat, or six pounds of the leanest joints not deprived of bone and fat; and the purposes for which it is more especially adapted, are, 1st. For the speedy preparation of beef tea. 2nd. With the requisite vegetables and flavouring substances, for the speedy preparation of soups. 3rd. Combined with farinaceous matter, it forms a highly nutritious food, well adapted for children, the dyspeptic and invalids. 4th. Mixed with cocoa, it furnishes a highly nutritious breakfast beverage. 5th. With other suitable ingredients, it forms an admirable meat biscuit.

**Disenclosure of a Common.**—Soon after midnight on Monday, the 9th of March, a special train left Euston upon a strangely exceptional errand. More than a hundred skilled workmen and labourers, marshalled by gangers, contractors, and agents, took their seats in it, in orderly fashion, but with a mysterious and determined air, as if some more than usually weighty business were on hand. One carriage was devoted to stout tools and implements, and the train thus freighted reached Tring at half-past one on Tuesday morning. A procession was formed at the station—each man shouldering a crowbar or other implement—and a compact phalanx, one hundred and twenty strong

marched out, two and two, into the moonlight. A walk of three miles brought them to the side of Berkhamstead-common, nearest to Ash-bridge-park, the seat of Earl Brownlow; and the objects of the expedition were then first made known to the rank and file. The greater portion of this common, occupying a space of some two miles in length, and from three-quarters of a mile to a mile and a half broad, was enclosed a fortnight ago by Earl Brownlow; and we learn that Mr. Augustus Smith, of the Scilly Islands, as the owner of an estate near, and therefore as a commoner acting in concert with his neighbours, had determined to test his lordship's right to this course in a very practical way. The whole of the iron railing, consisting of stout "uprights," five feet high, and with broad metal bands at close intervals between each, were to be thrown down before daylight, Mr. Smith and the commoners taking all responsibility, chartering the train and engaging the men. These last were told off in detachments a dozen strong; the substantial joints of the railings were first loosened by hammers and chisels, and the crowbars did the rest. Before six o'clock on Tuesday morning the whole of the enclosure was levelled to the ground; each upright having the metal bands, its tributaries, first neatly folded round it, and then being laid upon the turf it had recently served to close in. It was seven o'clock before the alarm was given, and by the time Mr. Paxton, the late Sir Joseph Paxton's brother, and Earl Brownlow's steward, appeared upon the scene, Berkhamstead-common was enclosed no longer. It was too late to do more than protest against the alleged trespass, and this was energetically done. Meanwhile the news spread, and the inhabitants of the adjacent village and district flocked upon the scene. In carriages, gigs, dog-carts, and on foot, gentry, shopkeepers, husbandmen, women, and children, at once tested the reality of what they saw by strolling over and squatting on the common, and cutting and taking away morsels of gorse, to prove, as they said, "the place was their own again." The cost of the three miles of iron railing removed is said to have been more than a thousand pounds; and that of its removal must have been considerable. Whatever may be the result of this daring return to what is called "old constitutional form," and however it may be viewed by the legal authorities before whom it will be speedily brought, it must be regarded as one of the most decided and vigorous protests against alleged usurpation which have occurred in our own prosaic, peaceful, and order-loving times.

**The Capital Punishment Bill.**—The Bill to provide for the carrying out of capital punishments within prisons, brought in by Mr. Herbert, enacts that the sentence of death to be executed on a prisoner condemned to death shall be carried into effect within the walls of the prison in which the prisoner shall be confined immediately previous to his execution. The sheriff or magistrate who is to carry such sentence into effect, the gaoler, chaplain, or other officiating minister, and surgeon of the prison, and such other officers of the prison as the sheriff may require, will be bound to be present, and any justices of the peace and representatives of the press who may desire to attend,



and such other persons as the sheriff or magistrate may think fit, may be present if they please. So soon as the sentence shall have been duly carried into effect the surgeon will sign a certificate, and the sheriff, officers of the prison, and others may also sign the declaration. The coroner of the district, within six hours, is to hold an inquest on the body of the prisoner, and the jury are to inquire and find whether the sentence of death was duly carried into effect on the prisoner condemned to death; but in no case shall any officer of the prison, or any prisoner confined in the prison, be a juror on such inquest. Any person who shall sign any such certificate or declaration, knowing it to be false, is to be guilty of a misdemeanour.

**The House of Commons.**—The *Spectator* finds that the members of the present House of Commons are sons, brothers, uncles, nephews, sons-in-law, or brothers-in-law of the heads of the 31 houses known in its columns as the great governing families of England, exclusive of members standing in relation to the great Scotch and Irish families. At least another 30 might be added were the relationship extended to first and second cousins. The landed and county family interests are further represented by 170 near relatives of peers, 15 of them heirs apparent or presumptive, not included in the 31 families, and 60 baronets. In short, but little under 300 out of 656 members of the House of Commons are more or less closely identified with the great land-owning caste of the country, exclusive of the scores of many-acred squires who appear with the plain "J.P., D.L.," in their respective county directories. There is no fear, during the present session at least, of cows being lost without compensation, or of Mr. Bright making a false quantity in the name of a hunt without castigation in the shape of ironical cheers. One hundred and four members either have served or are now serving in the army, and 150 are officers in the militia, yeomanry, or volunteers, while 9 only have held naval rank. Ninety-five barristers, of whom about one-fifth are in actual practice, have seats. Ninety-three members were educated at Cambridge, while 127 of his constituents have the privilege of sitting under Mr. Gathorne Hardy. Slightly under 100 members appear ostensibly as merchants, manufacturers, bankers, brewers, or shipowners. The *Spectator* further gives a singular table, showing the form and extent of business enterprise in the House. A hundred and twenty members are more or less concerned in the management of railways, while 115 are directors of insurance, banking, discount and financial joint-stock companies, and 104 directors of miscellaneous companies, including nearly all kinds and forms of joint-stock associations before the public. Fourteen legislators occupy their leisure in attending to the affairs of hotels, from the Star and Garter downwards. One worthy baronet is concerned in the management of a fishery company, a coffee company, a brewery company, a fresh provision company, a library company, and a gunpowder company. One or two gentlemen are directors of necropolis companies, but do not apparently relieve their gloomy duties by uniting with them directorships of more convivial associations.

**The Mortality at Hongkong.**—The following information of

the recent mortality in the garrison at Hongkong, is published in the *Pall Mall Gazette*:—The strength of the 9th Regiment on its arrival at Hongkong in February, 1865, was 839 non-commissioned officers and men, 47 women, and 77 children. Of these 48 non-commissioned officers and men, 6 women, and 28 children have died; 139 non-commissioned officers and men, 27 women, and 31 children have been sent home sick, with several orderlies in attendance on them. There remained at the station in January, 1866, only 636 non-commissioned officers and men, 14 women, and 18 children. The 9th also lost two officers, and one was invalided. On the 31st of May, 1865, the *Tamar* brought from the Cape 25 officers, 702 non-commissioned officers and men of the 11th, with 54 women and 92 children. On their arrival at Hongkong there was actually no accommodation ready for them. Two companies had to be lodged on board the condemned three-decker *Hercules*, and a few on board the *Princess Charlotte* hulk. The rest were put into sheds at a swampy place called Kawloon, on the mainland, just opposite Hongkong. Disease and death soon began to appear in their midst. Between the 5th of June and the end of last year two officers, 58 non-commissioned officers, 5 women, and 27 children died. Four officers, 189 non-commissioned officers and men, 22 women, and 35 children have been invalided. There are still in hospital 53 non-commissioned officers and men. Besides this, the 11th has lost all its surgeons; one has died, one is sick, and one is on leave at home. The excuse given by the authorities at Hongkong for not having made proper preparations for the reception of the 11th is that they did not expect them till two months later. They were warned, however, by the Horse Guards long before that the *Tamar* had been sent to convey the regiment from the Cape to Hongkong. In any case there are plenty of buildings to let which might have been hired for the occasion, or a ship might have been got to take the men out to sea. General Guy was absent in Japan, and Captain Roberts, the Quartermaster-General, would do nothing without his sanction. Two companies were put into wretched "go-downs," where rice had been stored—places little better than kennels, but the men were more healthy there than at Kawloon. Two companies which were sent to Japan lost only four men, who were, in fact, diseased before they embarked. The causes of this sad mortality are not far to seek. Proper accommodation should have been ready for the 11th Regiment on its arrival. If the General chose to go to Japan, he ought to have left proper instructions with the Quartermaster-General, and not have trusted to giving orders through a post which takes 20 days each way. Another undoubted error was the withdrawal of the native Indian regiment and the substitution of unacclimatized European soldiers. Even if men had been brought from India, they would not have suffered so much; but those from the Cape were exposed to all the worst effects of the new climate to which they were transported. The excessive nightwork tells very severely on the European troops, who, in addition to other hardships, are deprived of their fair share of sleep. The object of removing the Indian regiment is well known. It was in order that the pay of the rest of the forces in Hongkong, which, while an Indian regiment was there, was maintained at



the Indian scale, might be reduced to the colonial standard. But, putting humanity out of the question, the arrangement has proved, in a pecuniary point of view, a very costly one. The heavy expense of sending home sick troops has more than outbalanced any saving which has otherwise been effected; and the loss of so many good soldiers must also be taken into account. Altogether, it is calculated that the shortsighted economy of the authorities has entailed a loss of at least 30,000*l*. The excessive work thrown on the diminished numbers of the garrison will doubtless add to the sickness and mortality. There are now, we understand, in the 11th Regiment, exclusive of officers, only 36 non-commissioned officers, 103 privates, and 12 drummers fit for duty.

**Mortality of British Cities in February.**—The following return is made up from the Registrar-General's Weekly Return of Births and Deaths, and gives the annual mortality of the deaths of the month. We repeat, also, the deaths for January, for the sake of comparison :

	February.	January.
1. Liverpool . . . . .	40 . . .	43
2. Leeds . . . . .	36 . . .	35
3. Manchester . . . . .	34 . . .	36
4. Sheffield . . . . .	34 . . .	33
5. Birmingham . . . . .	33 . . .	29
6. Salford . . . . .	31 . . .	33
7. Newcastle . . . . .	30 . . .	35
8. Bristol . . . . .	30 . . .	32
9. Glasgow . . . . .	30 . . .	31
10. Dublin . . . . .	29 . . .	29
11. Edinburgh . . . . .	29 . . .	27
12. Hull . . . . .	25 . . .	29
13. London . . . . .	24 . . .	23

The whole death-rate of the month has slightly decreased from 318 in 10,000 persons to 311. Liverpool still stands at the head of this black list, but exhibits a slight improvement. London is pre-eminently the healthiest city of the thirteen, but exhibits an increase of mortality upon the past month, nevertheless. These tables must be regarded as creditable to London, and indicate most clearly that her little army of medical officers of health is exercising a most beneficial influence on the health of the metropolis. Some of the vestries of London regard medical officers of health as more ornamental than useful, reduce their salaries, resist their recommendations, and laugh at their reports ; yet, if we compare the cost of disease and death in the towns where a high mortality prevails with that of London, it will be found that the saving to the community by the sanitary activity of medical officers of health is very much greater than that which could be effected by the most ignorant and niggardly vestryman to be found on any of the local boards of London.

**New Vaccination Bill.**—The Government are now proceeding with a new Vaccination Bill, which re-enacts all the clauses of the old Bill,



and provides no new method of securing the great object of the Bill—the vaccination of the whole of the population of the country. The present Bill still gives to the boards of guardians control over the matter of vaccination. These bodies have utterly failed in the past, and there is no reason to hope that they will do better in the future. No reference is made to the medical officer of health of the district, who is really the officer that ought to act and have the power of prosecuting. The sum offered to vaccinators is so low that it is absurd to suppose that proper vaccination could be secured by it. The operation, to be properly and securely performed, should at least be rewarded by *five shillings* instead of the insulting sum of *one shilling*, now offered by the Government Bill.

**The Cattle Plague.**—Since our last report the cattle plague has been subjected to treatment by both Church and State. The Bishops have decreed a fast, and the Legislature has passed a law, and, what is more, the cattle plague is really on the decrease. The following returns show that the disease had begun to decrease before the Cattle Plague Bill came into operation :

Week ending	Current cases.	Back cases.	Total.
Nov. 18, 1865 . . .	2669 . .	676 . .	3345
„ 25 „ . . .	3610 . .	2941 . .	6551
Dec. 2 „ . . .	3828 . .	1903 . .	5731
„ 9 „ . . .	5356 . .	2129 . .	7485
„ 16 „ . . .	6054 . .	2133 . .	8187
„ 23 „ . . .	6256 . .	1951 . .	8207
„ 30 „ . . .	7693 . .	2263 . .	9956
Jan. 6, 1866 . . .	7106 . .	1402 . .	8508
„ 13 „ . . .	9243 . .	2956 . .	12,299
„ 20 „ . . .	10,041 . .	2801 . .	12,842
„ 27 „ . . .	11,745 . .	1893 . .	13,638
Feb. 3 „ . . .	9153 . .	2290 . .	11,443
„ 10 „ . . .	11,590 . .	4305 . .	15,895
„ 17 „ . . .	13,001 . .	5355 . .	18,356
„ 24 „ . . .	10,167 . .	1143 . .	11,310
March 3 „ . . .	7310 . .	2060 . .	9370

In our correspondence will be found a letter from Dr. Farr, in which he shows that the contagious diseases of human beings are subject to a law of increase and decrease, quite independent of any agency that may be applied for the purpose of curing them or arresting them short of stamping them out. Up to the present time the history of the disease has followed this law, and we have no reason to suppose that our legislation or our fasting has had any influence on the disease. As to medical treatment, the last new cure with garlic and onions has utterly failed. We may, however, congratulate ourselves on the prospect of a speedy delivery from the distressing effect of this malady on our cattle and the minds of our clergy and Legislature. After all, it should be recollected that the nation will not have lost more by the cattle disease than it does on the occurrence of a bad harvest, the

difference between a good and a bad harvest being much greater in money's worth than the whole cost of the cattle plague. We should be glad to find that when the sufferings of the cows and the loss of the farmers have ceased to fill the minds of our legislators with terror, that they have turned their attention to the arrest of the human plagues that are ever rising and falling amongst us. Although we cannot stamp out these plagues with the pole-axe as we might have done the rinderpest at the beginning, we can, by adopting rigorous sanitary measures, prevent the natural law of increase from developing itself, and even arrest the prevalence and spread of such diseases as small-pox, typhus, scarlet fever, and the other members of the foul brood of zymotic diseases which prey on the health and destroy the life of so large a number of the human family.

**Zymotic Diseases in London, February.**—The following table, drawn up from the Registrar-General's Weekly Report of deaths in the metropolis, gives the fatal cases of contagious and preventible diseases in London for the month of February :

Small-pox . . . . .	76
Measles . . . . .	145
Scarlet-fever . . . . .	150
Diphtheria . . . . .	45
Hooping-cough . . . . .	250
Typhus . . . . .	244
Diarrhœa . . . . .	70

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980

The temperature of the month has been 3 degs. above the average, the temperature of the first two weeks being 7 degs. above the average of the last 50 years. The last two weeks were considerably colder, and the last week 2.6 degs. below the average. The most remarkable feature in the return is the large number of cases of diarrhœa, which shows an increase on the month of January. Typhus presents a considerable decrease, and the whole number presents a decrease of twenty cases.

**Metropolitan Sanitary Association.**—On Thursday, March 16th, a conference of members of this Society was held at the rooms of the Social Science Association, when a paper was read by Mr. W. Rendle, "On Fever and its Sanitary Lessons," which will be found in another part of the Journal. Mr. M. Ware took the chair in the absence of Mr. M. Torrens, M.P., who entered the room later in the evening, and favoured the meeting with some observations on the progress of his Bill for the removal of pestilential dwellings, now referred, he said, to a select committee. Dr. Rumsey of Cheltenham, and Professor Ackland of Oxford, were present as visitors, and made some very important suggestions on the advantage of having houses registered when in an unsanitary condition; a plan already adopted by a gentleman having large cottage property in Oxfordshire.—A deputation from the Metropolitan Sanitary Association, consisting of Mr. Thomas

Chambers, Q.C., M.P., Mr. Layard, M.P., Mr. W. Ewart, M.P., Dr. Sanderson, Dr. Hardwicke, Mr. W. Rendle, Mr. Brock, Mr. Dresser Rogers, Mr. Benjamin Shaw, and Mr. Arthur Hall, waited on Earl Granville, at the Privy Council Office, Whitehall, to lay before his lordship a series of resolutions of the Council of the Association on the amendment of the Metropolis Local Government Act. Mr. Chambers, in introducing the deputation, briefly adverted to the nature of the business, and Mr. Shaw and Mr. Rendle spoke in support of the resolutions, which embodied various recommendations for the improvement of the sanitary condition of the metropolis, and suggested the best means which, in the opinion of the Association, should be adopted for carrying them out. The noble Earl, in reply to the deputation, said that some of the amendments suggested would be adopted in the Government measure about to be introduced, and the others would receive due consideration.

**American Views on the Prevention of Cholera.**—Dr. Charles A. Lee, Professor of Hygiene in the University of Buffalo, gives the following summary of preventive measures against the cholera:—"1. Quarantine relations cannot be too strict nor too rigidly enforced. 2. The most thorough sanitary measures must be enforced and carried out in all places offered to the invasion of the disease, especially in large cities, where every effort should be used to have all houses, streets, alleys, privies, drains, cesspools, &c., thoroughly cleansed and disinfected. 3. All intercourse with places infected with the disease must be absolutely prohibited, or, at any rate, guarded with the greatest care and precaution. 4. Should the disease unfortunately be introduced into a place, cholera stools should never be emptied into necessaries and water-closets in common use. 5. The police should be instructed to pour into every privy and water-closet suitable disinfectants, or furnish the same for this purpose."

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## PROCEEDINGS OF SOCIETIES.

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### METROPOLITAN SANITARY ASSOCIATION.

March 16.—Mr. M. Ware in the Chair. The following paper on Fever in London, was read by W. Rendle, Esq.:—

I do not presume to come here this evening to teach, so many here are probably better acquainted with the subject of this evening's discussion than I am. It is, however, competent for me to press at this present very suitable time the subject of fever and the lessons it teaches upon our closer attention. The subject has, of course, been frequently brought before the different sanitary boards by their medical officers. Once not long since (November, 1863) the association of these officers issued a circular upon the same subject. This circular was, I believe, brought to the notice of the different boards, but I do not think they were on the whole sufficiently impressed with the very great importance of the subject. Public opinion was to come afterwards. In consequence of the continued prevalence or rather increase of fever in London, an appeal was made in April last in the *Times* from the Fever Hospital. When I saw it, I was convinced that the resident physician of that hospital could, if he would, do us great service. His authority was something, and he was in no way mixed up with the local boards. Accordingly, a note of mine appeared two days afterwards, stating that, in my belief, there was in Dr. Jeaffreson's letter more than was apparent on the surface, and that the doctor would be doing London good service if he would give us publicly his opinion as to how we stood in a sanitary point of view in the face of a possible epidemic. Dr. Jeaffreson soon responded, with what power and telling illustrations we all know. The admirable and useful letters and discussions which followed are known to most persons who take an interest in such matters. Now, at length, a very healthy public opinion is being formed. The outcry against the shameful ignorance or apathy of society and its representatives is heard. The boards, containing not generally majorities, but still large numbers of men who are very anxious to do their duty, are bestirring themselves. Several boards have already appointed additional and better qualified inspectors. It is, no doubt, true that this should be done promptly by all the sanitary boards. It is remarkable even now how surprised local authorities seem to be when they are told of the actual condition of their own worst corners. And the reason is, because up to this time the inspecting power has been altogether insufficient both in quality and quantity, and consequently the boards cannot have been sufficiently informed. In my parish we have had until now but one inspector. We have 4800 houses farmed to the poor-rates, all of them probably inhabited by two or more families, most of them a family to a room, and consequently overcrowded, and requiring frequent supervision and inspection, the people moreover being ignorant, and therefore requiring frequent visiting and advising.

In the next parish to mine are 8603 farmed houses, and but one inspector. In May, 1865, according to a return I have, the city of London, St. Pancras, Marylebone, Lambeth, Islington, had each but two inspectors; St. Leonard's, Shoreditch, only one. Of course, it is impossible to do the work and get rid of fever-producing causes in this way. I have here vestry lists of cases for sanitary improvement. With one inspector, who gave but part of his time to sanitary work, average of two lists of places requiring work to be done, 31. After the appointment of one additional active inspector, average of two lists, 315 cases. Lambeth is now seriously debating on the appointment of two additional inspectors, so is St. Pancras. I am not desirous of altogether condemning the present vestry system; purged of the merely obstructive element, I believe it to be capable of performing the required work. It is already coming up better to its duty. The apathy of the electors is very surprising. They take but little interest. They too often allow little knots of men to decide the elections for them. And, notwithstanding this is a very virtuous, very religious, and very moral country—the most virtuous, most religious, most moral men, as a rule, decline to serve on vestries and boards, although the laws they have to administer concern in one way or another the well-being of the poorest classes and a truer practice toward one another in localities. There are, of course, many exceptions, and very hard indeed it is upon the exceptions; they have to fight the battle, to do the work, very often against adverse majorities—work which ought to be a matter of conscience with every man. The present system may be amended by a court of appeal, or by some other means, bringing in a wide intelligent public spirit to bear with power upon local authorities. If this can be made to work, I shall be sorry, and so will many gentlemen I know, that bodies elected to do good in their respective localities should be destroyed.

It may be well to note here the causes of fever according to our best authorities. Chiefly there are two sorts, typhus and typhoid, and in a general way, but sufficiently exact, the former (typhus) may be said to arise from human animal poison—an atmosphere poisoned by the exhalations arising from crowding too many human beings in a close place. There are many supplementary causes, such as famine, depression, filth, drunkenness, and the like. But given plenty of fresh air and a pinching short diet, the death would be from starvation and not from fever. Given, plenty of fresh air and drunkenness, the death would probably be from delirium tremens, liver disease, or dropsy; not from fever. Typhoid fever may be said to arise from peculiar poisonous exhalations from sewers, drains, and ditches, or from a soil sodden with filth. Dr. Murchison's scientific definition of typhus is a disease generated by contagion, or by over-crowding of human beings with deficient ventilation, &c.

Of typhoid, or as he calls it, pythogenic fever, an endemic slightly contagious disease, generated by putrifying organic matter, I will not encumber the paper with cases other than with a very few which appear to be typical. Dr. Murchison relates that in March, 1856, seven characteristic cases of typhus were admitted into the Fever Hospital



from one house in Bermondsey, the place had been lately done up and the drainage was good; the cases were not typhoid or drainage fevers, but typhus or over-crowding and destitution fevers: a mother and six children occupied two of the rooms, and had 163 cubic feet of space each; the rooms had a peculiar animal odour, and had not been ventilated. The habits of the family were very filthy, and the mother spent most of their money in gin. Typhus was at this time rare in London. Soon after, there were several cases in the next house, all, as you perceive, originating in filth and want of ventilation, and destitution consequent on gin-drinking. Persons of better habits caught the fever; and one, the head of a family, died. Nothing can be plainer than this, that a prompt irresistible power is needed to deal with first cases, so that cleanly, diligent people may not suffer, because they happen to have uncleanly, dissipated, idle people breeding fever next to them. I have a case of my own in which such people slept together in a small room, six of them, with barely 100 cubic feet of space each: these drunken people bred the fever, and then gave it to a diligent hard-working family—some nine or ten altogether took it, and the father died. Is it not manifest, that as these are poor law cases, not one moment should pass without information being sent by the poor law officers to the sanitary officers, so that the patients might be at once sent to the hospital, and the places emptied and thoroughly cleansed? The very essence of law is, I suppose, that no man shall be suffered to wrong his neighbour; and can a greater wrong be done than by filth and neglect to breed diseases and bring death, orphanage, and distress upon others—upon two deserving diligent fathers of poor families, as in the case cited? It is a great blot upon our poor law system that this great preventible deadly evil should be suffered to go on comparatively unheeded, while the remedy is easy, and at hand. Inspector Clarke, of Norwich, tells us of a man, his wife and six children, in a room twelve feet square, three with fever. He calls, and calls well, for good nurses and local hospitals. The nurses, as a rule, are bad, and the local hospitals are nowhere.

There is no difficulty in finding cases. In Dr. Hunter's report of the lodging of the lower labouring classes, also in the rural districts of England, we shall find causes and effects enough of typhus and typhoid fevers; the wonder being that the old pestilences do not return, and that human beings can by use and custom become so stolid, so weakly and wickedly submissive, for there may be and is a submission which is dangerous.

Fever has frequently occurred in cleanly houses, in upper bedrooms, in places apart, at the highest points of localities, and among the richer as well as among the poorer people. These cases are typhoid, are usually not infectious—almost always some great defect in drainage will be found, some ready way to admit a peculiar tainted air into the house. So the disease is produced, and one after another will probably take it if the cause be not promptly discovered and removed. One case I recollect was in an attic bedroom, and was produced from an untrapped pipe connected with the sewer; another in a gentleman's



early new house, was a ready inlet from a cesspool into the kitchen, so that when the house became heated there was a brisk in-current of this dangerously poisoned air, diarrhoea and typhoid fever resulted, and one person died. Dr. Barker exposed dogs to cesspool air, and the symptoms were, he says, precisely those which marked the milder forms of typhoid intestinal fever. He found nearly the same results from sulphuretted hydrogen—a sewer gas. In this condition of things the causes are evident, and are easy of amendment. How we sometimes pick up truths in out-of-the-way-places! Here is one. In 1796, Boston, U. S., was sadly troubled with fever; the old writer tells us that it originated from noxious substances exhaled into the atmosphere from putrifying animal or vegetable matter or both.” And he seems to have had a foreshadowing of the causes which now, seventy years afterwards, call us together. He says: “A confined situation, filthy state of streets, alleys, and by-places of the town, will, as it becomes more populous, rents higher, and, consequently, the poor more closely crowded together, further expose us to the danger of such diseases.” This is, he says, “a serious truth, which may, perhaps, in some future day, be too fatally evinced.” In such localities fever does not go on alone; that which will produce fever will produce abundant evils of all sorts, relating as well to the next world as to this.

Confined to fever alone, the subject is far too important to admit ofopathy. Figures may be so quoted as to astound us; and although there is a proverb against trusting in figures, I will nevertheless venture. The deaths from this cause in London from 1851 to 1860 were 21,870, and in the four following years 11,990. These represent about 290,000 cases of fever in the fourteen years, chiefly among the poorest. Of course it represents poverty, filth, misery, and a great cost to the paying classes—a cost not easy to be calculated. You must know also that these cases have been increasing. The annual average from 1851 to 1860 was 2187, from 1861 to 1864, 2992. This, at the lowest calculation, is an average annual increase of 6500 cases of fever in the latter period over the former in London alone. If any disease may be said to be *the test* of the sanitary neglect of a locality, fever in its various forms is essentially that disease. As surely as we find fever year after year breaking out or continuing about the same spot, so sure is work to be done there, and there is a very reasonable ground for believing that, with prompt, good, and appropriate work, the disease may be banished, or very nearly so. One of my earliest sanitary lessons as a parish surgeon was this: I had one house that specially interested me; this was before the vestry days. Every fresh occupant was nearly sure to have fever. This went on year after year, and cost the parish very much money and the poor many a life; it also created few paupers. Now and then the house was partially cleansed and mitigated, especially after a new case had been taken to the hospital. People said, “See, now, cleansing and whitewashing will not prevent; it comes from the habits of the poor.” One said drunkenness, another dirt, another Providence; but as a partial and superficial cleansing will not banish fever, I was at length tired of it, and recom-

mended emptying the house and thoroughly cleansing it from top to bottom, with due attention to drains, water-butt, &c., and keeping the house empty for three or four weeks. It was done, and the house was from that time for years after as effectually cleared of fever as if no fever had ever been there. I mention this because it is a typical case. Dr. Jeaffreson is very clear upon this in his advice to the sanitary authorities. Speaking of cases from my own parish, he said: "The fact most prominent in relation to these cases was that they came continuously month by month from the same buildings, or building even. This was explained by the fact that eight or ten cases had been sent to the Fever Hospital, and the premises still remained overcrowded and filthy. The sick were removed, and the healthy were at once admitted to the infected rooms to catch the disease in their turn." He says, "if infected rooms were scrubbed and limewashed from top to bottom and kept empty afterwards for not less than ten days only, there is no doubt they would become safe habitations, providing decent sanitary regulations were afterwards enforced." This is my experience. In an earlier time, before the Lodging-house Acts were in force, one of the hotbeds of the disease was the common lodging-house. In my latest time, after the Acts got into operation, it became more and more rare to find infectious disease, especially fever, in them; and, when brought in, the bye-law of prompt removal, cleansing, and keeping empty effectually prevented the spread of the disease. Fever, in the opinion of a great French authority, is an artificial disease, and may be produced or destroyed at will; and in the opinion of those who are best acquainted with the subject, he is not far out. The prison records of Howard's time show how it may be produced, and Howard's work shows how it may be destroyed; and the Lodging-house Acts which are really carried out tell the same tale in a less marked manner. Mr. Simon's words are as remarkable as they are true. "Fever is essentially a disease of filth. True, a few deaths cannot be accepted as conclusive proof of sanitary neglect in the district where they occurred for unavoidable contagion may have been imported. Even the fatal cases themselves may have come from a fever-nest in some adjoining jurisdiction. But I do not hesitate to say that the registration of any fever deaths in a district not suffering from famine is a thing which for the credit of the local sanitary authority, ought to be susceptible of some such application." And here let me note well the word "imported from some adjoining jurisdiction." You will at once see how little it avails for one parish, or district, or street to be clean and wholesome, if gross neglect and consequent infectious and putrid diseases are common in another district, parish, or street not far off. And this points as strongly as any argument can, if not for some central great power, at least to some sufficiently authoritative court of appeal. Dr. Greenhow notes in some places an annual average death-rate from fever of 21 in 100,000, and in other places running up to 204, 207, and 209. Such facts require special and authoritative investigation, and the blue books of the health department of the Privy Council give instances of such special investigations. The power to de-



with them is yet to come. It is of importance to note the age at which people are stricken down by this disease. The majority of those who have had time to become useful, at a time sufficiently advanced to repay some of the trouble and cost of their earlier illness. In this economical sense it is peculiarly unfortunate if we let it ever go on. Of 2497 cases admitted into the Fever Hospital in 1864, 10 were under fifteen, 1720 from fifteen to fifty, 267 over fifty. See how it concerns the parishes. The "poor ratepayer" has become a sort of proverb, ever in the mouth for obstructive purposes when any good was to be done, if that good was to cost money. The ratepayer is likely to be poor when he is surrounded by typhus and its miserable concomitants and associations on the one hand, and on the other hand governed by persons who see so little before them that they fail to see how much they might save and how many they might save by damming or stamping out such diseases. In a given number of patients admitted at the Fever Hospital, 215 were domestic servants or policemen for whom fees were paid; 71 were admitted free, but 3324 were admitted by parish orders. This shows well enough where the seed is, where the nesting is; and it shows well enough that it is essentially a Poor Law question; and now, while the Poor Law is before us, in connection with fever, let me tell you how it does, or rather how it does not, provide. Impressed with the prevalence of fever in my parish, as guardian, November, 1863, I moved the following resolution: "That the clerk write to the district medical officers and request that they will be pleased to send weekly to the board, in writing, the name and address in the case of every parish patient visited at his or her own house where, in the opinion of the medical officer, the bad state of the premises stands either as the cause of disease or as retarding recovery." This was carried unanimously enough; but as the Poor Law does not provide clearly for this innovation, it soon ceased to be acted upon. I further urged that, in the medical weekly return of the medical officers under the Poor Law, it would be sufficient to underline every address of a house with conditions like those comprised in my resolution, that so the attention of the health officer might be authoritatively and promptly drawn to the spot. It was further moved in the Sanitary Committee of the same parish, "That each case reported in the death-register as typhus shall be specially reported upon at each meeting of committee, such report to comprise the condition of the premises, rooms, number of inhabitants to each room, probable causes of fever when ascertainable, and measures taken or suggestions made for preventing the extension of the disease, and such other particulars as the medical officer may think necessary."

This resolution the committee refused to adopt, and since that time there have been more than 2000 cases in the parish. I just now mentioned that of the 3610 cases at the Fever Hospital, 3324 were admitted by parish orders. Let me tell you how this supply of parish cases is kept up. July 29th, 1864, a case was sent from a place in Southwark, called Langsdowne-place, No. 11. In August, cases were sent from Nos. 35, 37, 38, and 39. In September, from Nos. 13, 18,



19, 31, 44, and 45. In October, from No. 4. In December, from Nos. 12 and 21. In January, from No. 16. In February, from No. 25. In March, from Nos. 22 and 26. It did not altogether leave these houses, and before the time here noted 130 cases had been sent to the work-house from this and other places; but, as it extended to the inmates and destroyed some of them, the cases were afterwards sent direct to the Fever Hospital. In another nest, Henry-street, the fever passed from house to house until it had visited 13, out of which 31 cases were sent to the Fever Hospital. Now all these were pauper cases, and were sent to the hospital at the expense of the parish; and the parish had also to deal with the wives and children, when men, as was not unfrequently the case, were attacked. No doubt it would be cheaper, leaving out the duty and the humanity part of the question, to stay this sort of thing in its beginnings. In St. Pancras were sent, at short intervals, for a long period, from Drapers'-place, 30 cases to the Fever Hospital, half from one house, and 35 cases from Ashby-street. Six houses in my parish yielded 37 cases. In one of them 8 people were living and sleeping in one room, 10 ft. by 12 ft. In my parish there were, 1860 to 1865, inclusive, 432 deaths and 3456 cases from this disease. In Lambeth, which is not, on the whole, an unhealthy parish, there are some of the worst fever places in London. In the five years cited there were 818 deaths and 6544 cases. One of the incumbents of this parish lately described the course of it. Thus, in 1863, in one house he visited he found the atmosphere intolerable, the house deplorable in every unhealthy condition, a family in every room; every one in this house took fever, and 5 died. Now mark the result: it passed to the opposite house, and 3 died there. After this it spread over the neighbourhood, and has scarcely quitted it since. In White-chapel, notwithstanding unusual vigilance, the same holds—879 deaths and 7000 cases in the last five years. Let a new operation promising the saving a life here and there, or a new remedy or mode of treatment be discovered, we naturally feel pleased and proud of the new benefit. We are strange people; while we do this we need strong angry, biting words to arouse us to the facts of lives wasted by thousands, which our best judges of such things say a little more air and a better lodging would effectually save. It is a great misfortune, I think, that the old English system of frankpledge, the foundation of the leets, should have so generally died out in our legislation, and have left us little else than cold formalities—a sort of “every one for himself and God for us all” principle. The principle by which the people of a locality were more or less answerable for the right doing of the rest was, in its spirit, a very healthy condition. It was, says Sir F. Palgrave, the peculiar province of the leet to abate all nuisances which affected the public convenience. The verdict *was* a verdict, and not a trial. For a nuisance the jury might amerce the offender, and at the same time cause him to be distrained to amend it. The liberty of the subject, the Englishman's house his castle, and the like, crop up continually before us. We seem to have liberty to interpose delay where delay is death; to poison our neighbour slowly, his remedy being

usually ruin at law. We have liberty to protect, even at the expense of many deaths and large taxation, that which is called vested interest; but liberty to proceed the straightest way to any great good we can as yet be scarcely said to have. In a deputation to Mr. Peabody and his trustees, which I attended, we urged, why not purchase small plots, the worst in London, a court or alley here and there, and show us how to build cheaply, and in a manner that shall at once be both paying and healthy, so that we, in all the worst parts of London, seeing that it would not be a losing scheme, might everywhere imitate you? And the answer was, so far as I can recollect: "There is much complication and many interests; nothing but compulsory action could deal with it. We cannot buy as it is, and we cannot get an Act to enable us to purchase these places." And yet something of this sort appears to be our only remedy for our scarce, and filthy, and expensive habitations for the poorer people.

Our American cousins are said by some to have liberty enough. Some admirable sanitary reports have come across, and contain many an excellent lesson; one or two as to the way in which fever is propagated, are almost startling. One instance, a man residing in the 11th ward, was sick with typhus and died; a few days after his daughter, residing in the 17th ward, having visited her father in his sickness, was attacked and died. Another daughter, in Brooklyn, also took it and died. Another residing in Avenue A, also took the disease. Another relative in 16th-street, others in 11th-street, visited the first affected, and sickened soon after. The inspector reports that eight cases of fever thus sprung from a common centre, and by distribution in as many different localities created as many new centres of infection and danger. The same report mentions some 74 domiciles of a single cookery in New York which "send out an incessant and widely distributed current of fever poison to other and distant sections of the city." Another inspector reports "that 17 cases of typhus in five families resulted from careless exposure of the first fever patients to promiscuous visitors." He remarks that "all this was but the beginning of an evil, the records of which were still in progress." Pondering over the degraded and unwholesome condition of these fever-producing places in New York, the inspector makes some further remarks worthy our attention. He says:

"We often find in persons of less than middle age, who have long occupied such confined and filthy premises, a morbid condition of the system unknown elsewhere. The eye becomes bleared, the senses blunted, the limbs shrunken and tremulous, the secretions exceedingly offensive.

"There is a state of premature decay. In this condition of life the forces of nature seem to be unloosed. Maternal instinct and filial affection seem to participate in the general decay of soul and body. In the physical and moral degradation, the blight of these miserable abodes, where decay reigns supreme over habitations and inhabitants alike, may be plainly traced much of the immorality and crime which prevail among us. The established truth that, as the corporeal frame de-



teriorates, man's spiritual action is liable also to degenerate, receives an apt illustration here.

"The state of physical, mental, and moral decline to which I have adverted, is so well recognised, and its causes so well understood, that it has received a name less elegant than expressive: it is called the Tenant House Rot.

"Under such influences are reared to-day a large proportion of the future citizens of New York, who will control its social and political destinies; under such influences have been reared a large class already so numerous as, at times, to seriously disturb the public peace, and to endanger the safety of our political and social fabric.

"The terrible elements of society we saw brought to the surface during a great popular outbreak, are equally in existence at the present moment; nay, more, they are increasing year by year. The tocsin which next summons them from their dark and noisome haunts, may be the prelude to a scene of universal pillage, slaughter, and destruction. We must reap that which we sow. Destitution and crime are fungi of hideous growth, which spring up side by side from such pollution as we allow to rankle in our midst."

One of the most distinguished of the Government reporters has favoured me with a letter containing some similar remarks. He says, "Reports on the abominations of particular districts have been well done, and so often, that if the public does not fully appreciate the position of danger which the country is in, it is the public's own fault. In spite of gin, typhus and infanticide, a degraded, immoral, diseased and altogether a dangerous class is being bred in our land, who will in our time, or soon after, overturn the social fabric. And I for one can never blame a man for crime, whose childhood is brought up in such surroundings as you describe. Have we any personal fear of typhus or cholera? Probably not—but there is a thing of which we have great fear, consols at 30, property tax at 5s., and Parliament debating on national workshops—these are, I think, the terrors of the future, and I believe there is no warding such future off, except by improving the residential conditions of the growing generation." And now if I tell you that ten thousand people, such as those just described, might probably be gathered up in my parish, and hundreds of thousands over London—and that this people owe us very little for benefits they as yet reap from a high civilisation in the richest city of the world, is it reasonable to expect in any great time of trouble that they will be on the side of order? They are now being continually warned, by frequent visits of officers of health and inspectors, that their state is not what it should be—not what the law orders it to be, and that society is not doing its duty by them. They are very easily delivered over to railways and great speculators, not to build dwellings for them, but to drive them back among the already overcrowded houses of their fellows. We may be said to repudiate our relationship to the denizens of our dirty courts; but, as Carlyle says, they claim relationship by conveying to us in a fatal brotherly way their diseases and their mortality. The franchise, now so much discussed, is said to be a trust and not a right. Very well, a trust. In this case, are the trustees to allow the lowest of



their clients to live like pigs in fever-breeding places, everything against them? As I have said, ten thousand in my parish, I accept the idea of a trust, but if the trustees abandon their trust, then must we drift towards the "right," as the only means of remedying the state of things I am only hinting at to-night. The charitable building schemes are but as drops in the way of providing homes for these scores of thousands. Until we have compulsory power for sound, effectual, and prompt work in the homes of the poorest, compulsory power to purchase sites covered with houses, poisoning and making poor their neighbourhoods, and in themselves unfit for human habitation, so long will our poorest be producers and propagators of disease, uneducated, irreligious, immoral, and I may say brutal. So long will they not only themselves rely on poor-rates, but they will bequeath to us their children after them.

In conclusion, let me in a few words note some of the requirements which come out of the consideration of my subject.

I deplore the frequency with which the public ear and the vestry ear are filled with accounts of difficulties—of impossibilities, as they are called. Our first duty is, where there is so much to be done, to attend to the multitude of matters which are possible, and while doing so we shall learn to diminish the list of the "impossible."

We must have better and healthier homes for the poorest classes, not the palaces designed by philanthropists, with appliances which do not often come within the means of the lower middle class, but cheap, wholesome, and suitable places. It is manifest that the very high prices paid by these people for their miserable homes is enough to pay profitably for better places. The authorities of the poorer localities would display great economic wisdom in getting and using public money at  $3\frac{1}{2}$  per cent. for this purpose. And in the construction of such houses, the local authority should possess far greater power to insist upon all reasonable health conditions.

All houses let to weekly tenants should be registered and brought, by means of by-laws sanctioned by a central authority and administered by the local, into some kind of resemblance to the management of the common lodging-houses. This may be done with due regard to the rights of a man in his home.

Places are required into which poor tenants unaffected with infectious disease can be removed when they can find no other during the cleansing an infected house.

Local hospitals with plenty of ventilation and air space for the reception of those infected by disease.

Better nursing for the sick poor, and a better mode of supplying the prepared necessaries in sustenance during illness.

Information without any delay to the sanitary officers of cases of infectious disease, and of premises and conditions likely to give rise to the same found in the visits of medical officers and inspectors under the Poor Law.

Alterations of the Poor Law, so far as all these matters are concerned, as they generally do persons in receipt of parish relief.

Power for prompt action to remove infected persons from filthy and

infected houses, or in cases where there is danger, of infection to others.

The change of some of our laws which are permissive into laws obligatory; the permission to act being most usually construed into permission not to act.

When it is important to do sanitary work, and the duty of the local authority to do it, in case of dangerous delay or neglect, that a central power might on appeal come in and do it, and charge it to the local authority.

#### NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The following Memorial has been presented to the Right Honourable Earl Russell, K.G., First Lord of her Majesty's Treasury:—

The Council of the National Association for the Promotion of Social Science (with which is united the Law Amendment Society) desire to represent to your Lordship the expediency of issuing a Royal Commission, or of taking such other steps as to her Majesty's Government may seem advisable, for the purpose of framing an authoritative Digest of the Case Law of England.

That portion of the law is scattered over many thousands of cases, printed in more than 1200 volumes of Reports, which contain the decisions of the judges for several centuries. A number of these decisions are obsolete; many, in fact, from one to two hundred yearly, are impeached or overruled; many are of doubtful authority; many are conflicting; many might be gathered under distinct heads, in a concise form, and be recognised by the Legislature as settled and substantial law.

To effect this object, it would be necessary to do with the Case Law what has been done and is doing with the Statute Law—to discard what is obsolete or superfluous, to condense and arrange what is effective; in short, first to expurgate, then to consolidate and revise.

This subject has frequently and for many years past been under the consideration of the Association and the Law Amendment Society, and the Council trust that the time has arrived when her Majesty's Government may be induced to take some active steps in the matter.

The considerable progress that has been made in the revision and consolidation of the Statute Law, the work already done by the Commissioners appointed to prepare a code for her Majesty's Indian possessions, and the remarkable success of the Commission employed by the State of New York, in America, to codify its civil and criminal laws—laws founded on our own, and to a great degree identical with them—suggest that a similar course should be immediately taken to reduce the unmanageable bulk of English Case Law to a clear and concise Digest.

The need for condensing the Case Law into some moderate compass, and arranging it clearly, increases with the extension of the business of local courts. The County Courts have for some years possessed considerable jurisdiction in common law, and Parliament during the last session has invested them with extensive equitable powers. The judges of these tribunals, sitting for the most part without the assist-

ance of a bar, at a distance from the libraries of the Inns of Court, and having to decide rapidly on the emergencies of the case, cannot be expected to master the intricacies of equity and common law in their present state of dispersion through law reports and text books; and the authoritative promulgation of a Digest would immensely aid them in the administration of that large and increasing share of the civil justice of the country which has been so beneficially intrusted to their hands.

Several of the eminent men who have at our annual meetings presided over the Association, or over the Department of Jurisprudence and Amendment of the Law, have dwelt forcibly on the importance of this subject.

Lord Brougham, in his address to the Association in 1860, says:—

“All men are now agreed that the only question is, shall there be consolidation or not, parcel of and preliminary to a complete code or digest of the law? In other words, shall the Government of this country perform its high and imperative duty of making the people under its rule acquainted with the laws made to protect their rights, but also the laws to which it requires their obedience, enforcing that obedience by the severest penalties?”

The Right Hon. Joseph Napier, late Lord Chancellor of Ireland, in his address to our Department of Jurisprudence in 1861, advocated the carrying out of Lord Bacon’s “outline of a great reform; the statute law to be expurgated, classified, and consolidated; the common law to be digested and methodised; a standing commission to be set up in aid of current legislation.”

In 1864, the Right Hon. Sir James Wilde, Judge of the Court of Probate, devoted his address as President of the same Department to a consideration of the practicability of forming a Digest of the Case Law, and the following sentence, among others, shows his confidence in the work, provided it be adequately undertaken:—

“I cannot resist the belief that, within the bounds of reasonable labour and time, the general principles and broad bases on which our common law reposes, and which tacitly guide the decisions of our courts, might be brought to the surface, grouped together, subordinated in their several relations, and contrasted in their differences. An attempt of the kind, and not without great success, was made by the late Mr. Smith in his leading cases. And those who have studied the notes of that book will not fail to perceive how easily and with what success large groups of cases treated and handled together have been made to yield up short and succinct propositions of law. What I desire to see is a similar attempt made with authority and on a much larger scale, to be finally confirmed by Act of Parliament.”

But the Council would especially quote the words employed by your Lordship, when presiding over the Association at Liverpool in 1858, as expressing at once the need for commencing this labour forthwith, and the certainty of its being brought to a successful termination:—

“No one can doubt that it would be a great public benefit if our laws could be set forth in a clear style, and contained in two, three, or



four volumes of moderate compass. . . . . If we proceed to consider what has been done in this country, we shall find that, from the days of Lord Chancellor Bacon to those of Lord Chancellor Chelmsford, the revision and consolidation of the law have been a consummation devoutly to be wished. Five years ago the enactment of a code was held out to our expectation; each year we were said to be at the beginning. Three administrations and four sessions of Parliament have promised, undertaken, and dropped the work. Is it not time that we should set about the task in earnest? I will venture to say, that if four or five persons of competent qualifications were appointed as Commissioners, they would in a few months make an actual commencement, and in a few years present to Parliament a complete code worthy of the country, simplifying and improving our laws, on principles fit to be adopted in an enlightened age, and founded on the solid masonry of our ancient legislation. Nor can I doubt that such a work would be sanctioned by Parliament, not, indeed, without debate, but without serious delay."

The Council must observe, that not five but thirteen years have now elapsed since the project of forming a code was spoken of by the then Lord Chancellor, and that though the work of the revision of the Statute Book has since been ably carried on, nothing has been done towards the formation of a Digest of the Case Law. The same distinguished lawyer, who so long since gave promise of a code, now again holds the Great Seal; your Lordship, who so well understands the subject and appreciates its vast importance to the whole community, is the First Minister of the Crown; and the Council trust that the moment is therefore favourable for urging on her Majesty's Government the expediency of at once taking the necessary steps for commencing the preparation of a Digest. That Digest, like an expurgated and revised Statute Book, would form an important step towards the enactment of a code; but taken by itself it would be invaluable, and it is on its own merits that the subject is now urged on your lordship's consideration.

BROUGHAM, *President*.

G. W. HASTINGS, *General Secretary*.

#### DELEGATES FROM VESTRIES AND DISTRICT BOARDS IN THE METROPOLIS.

At a meeting held on the 12th of February, the minutes of the meeting of delegates on the 30th ultimo, having been read and approved, were signed by the chairman. The delegates then proceeded to consider a proposed application to Parliament for the purpose of founding municipalities in the several parliamentary boroughs of the metropolis, thus concentrating the several divided interests now existing, and a report having been read and considered, it was moved by Mr. Beal, of St. James's, seconded by Mr. Saywell, of Clerkenwell, and resolved, that the said report be received, printed, and forwarded to each member of the several vestries and district boards in the metropolis. The following are extracts from the report:

The Committee of Delegates to whom the several vestries have referred Sir G. Grey's letter, beg to report that they consider a favourable opportunity is offered thereby to represent to the Home Secretary

the present defects in local government in the metropolis, and the necessity for largely increased powers. They suggest that it is desirable to represent to him that the powers of the Municipal Reform Act, under which all the corporate towns in the kingdom are regulated, should be extended to the metropolis; but inasmuch as those powers could not be extended to the present numerous local authorities, that it is desirable so far to consolidate vestries as to make the municipalities co-extensive with the parliamentary boroughs, or that other districts should be created, and that districts not included in parliamentary divisions should be incorporated. The commissioners appointed to inquire into the existing state of the Corporation of the City of London, of which body the late Sir George Lewis was a member, reported in 1854 the following recommendations:

"With the single exception of London (metropolis), the local government of every considerable town in the United Kingdom is vested in a municipal corporation. This government is not confined to a portion of the town; but, since the recent statutory reforms, comprehends its entire circuit. In London, however, as we have already seen, the municipal government extends over only a small portion of the entire town, whether measured by area or population. If it were held that municipal institutions were not suited to a metropolitan city, no reason could be found, except its antiquity and existence, for maintaining the Corporation of London, even with its present limited area. It appears to us, however, that a metropolitan city requires for its own local purposes municipal institutions not less than other towns. We believe, indeed, that the utility of municipal institutions is greater, and their want more felt, in a large, populous, opulent, and crowded metropolis, than in a country town of less size, population, and wealth. These functions of local government, moreover, which in other towns are performed by the municipal authorities, are in the metropolis actually discharged by parochial functionaries, or by boards created by local acts, though they may be discharged in a less uniform and efficient manner. . . . .

"Although the City of London is the only part of the metropolis which possesses a municipal organisation, there are at present, within the metropolitan district, seven parliamentary boroughs, each of which, with the exception of Greenwich, contains a larger number of inhabited houses and a larger population than the City. Of those seven boroughs, five receive the right of returning members to Parliament under the Reform Act of 1832; and we concur in the opinion expressed by the Lord Mayor, in his evidence given before our commission, that as the Legislature has already decided to enfranchise other portions of the metropolis, as parliamentary boroughs, the Legislature ought to complete the work by enfranchising them for municipal purposes. We think, indeed, that if an attempt were made to give a municipal organisation to the entire metropolis, by a wider extension of the present boundaries of the City, the utility of the present corporation, as an institution suited to its present limited area, would be destroyed; while at the same time a municipal administration of an

excessive magnitude, and therefore ill adapted to the wants of the other parts of the metropolis, would be created. But we see no reason why the benefit of municipal institutions should not be extended to the rest of the metropolis by its division into municipal districts, each possessing a municipal government of its own."

Your committee strongly recommend this extract to the consideration of each vestry, and urge that petitions in accordance therewith should be presented to the Legislature.

Your committee would especially direct attention to the want of uniform action in dealing with the large and almost omnipotent interests in railway, gas, and water companies, arrayed against small districts, too weak to check or control them, when opposed to public interests, and to the necessity of those enlarged powers which enable the great corporate towns to deal with the large joint-stock interests.

The control of street traffic, the action under the Sanitary Acts, the Adulteration of Food Act, so essential in our crowded and artificial life, can only adequately be carried out under enlarged municipal action.

On the question of economy your committee, from figures before them—a comparison between Westminster City, with its five or six different boards, and the *Parish* of Marylebone—find from a parliamentary return that whilst Marylebone, exclusive of county and police rates, collected 194,036*l.*, and paid in salaries 7711*l.*, Westminster city collected 194,031*l.*, but paid in salaries 17,462*l.*, thus showing a great saving in enlarged and consolidated action.

The ancient principle when the "City" was the metropolis, was, that as population increased outside, the district was added to the City, and thus the "outer wards," as "Farringdon Without," became annexed. It has been the disuse of this ancient municipal action which has handed to us at the present time the weakest organisation for a great city.

The number of inhabited houses in London in 1861 was 360,237, under an assessment of 12,450,416*l.*, a union of interest powerful enough to secure the government in unison with its vast and growing necessities. It is a giant swathed and bound, so that the humblest town can put forth a strength denied to the metropolis of the empire.

Your committee feel, as fellow-vestrymen, that the action of vestries is too limited, too weak and feeble by their organisation, adequately to protect the interests of the ratepayers, and that the time has come for securing ample municipal powers on some well-defined plan, and suggest that the petition proposed should seek to have referred any Bill on the subject to a Select Committee of the House of Commons.

#### BRITISH ANTI-TOBACCO SOCIETY.

The meeting for the promotion of the objects of this society was held on Friday evening, March 2, at the Eyre Arms, St. John's Wood, over which the Rev. W. J. Langdale, M.A., presided, when the following resolutions were unanimously adopted: 1. "That as the constituent principles which tobacco contains are highly poisonous, the practice of



smoking tends in a variety of ways to injure the physical and mental constitution;" moved by Dr. Hardwicke, of Mornington-road. 2. "That smoking is a prolific cause of thirst and vital depression, this custom tends to foster the drinking usages of society, and thereby greatly endangers the temperance cause;" moved by R. A. Wainwright, Esq. 3. "That as smoking militates against the promotion of health and social advancement—especially when practised by the young—this meeting cordially concurs in the endeavours of the British Anti-Tobacco Society for arresting this objectionable custom;" moved by Mr. Reynolds.

#### JURIDICAL SOCIETY OF BERLIN.

At the sixty-fourth meeting of his Society, held at No. 23, Unter den Linden, on the 10th of February, the following special report upon the Savigny Institute was laid before the meeting by the president:

Immediately after the death of Doctor Friedrich Carl von Savigny, which took place on the 25th of October, 1861, the Juridical Society resolved to perpetuate the memory of the widespread and thorough usefulness of this great jurist, not only by a public meeting, but by erecting as a memorial of him an institution which, supported by the aid of grateful scholars of all nations, might extend afar its blessings and its benefits. This decision was announced at the ceremonial meeting in remembrance of Savigny, which was held by the Juridical Society on the 29th of November, 1861. The foundation committee, composed of seventeen persons, at once began the collection of contributions.

These contributions having up to the 3rd of February, 1863, reached the sum of 16,436 thalers, the foundation committee, on the 27th of March, 1863, decided upon the statutes of the institution, which, being approved by the respective Academies of Sciences of Berlin, Vienna, and Munich, received the royal sanction by Order in Council of July 20th, 1863.

The capital of the institution, which is composed of the paid-in subscriptions, amounted on the 1st of January, 1866, to 23,823 thalers and 1 silbergroschen, while the interest fund of the year 1865 amounted to 1128 thalers 23 silbergroschen. The latter sum, together with the interest for the year 1866, will, at the commencement of the year 1867, be placed at the disposal of the Royal Academy of Sciences of Munich, as ordered by the statutes, for the objects of the institution.

The Imperial Academy of Sciences of Vienna, which by letter from the council of the institution, dated 21st of January, 1865, was empowered to dispose of the interest of the two years 1863 and 1864, viz. the sum of 1500 thalers, has addressed to the council the following letter:

The committee appointed for the Savigny Institute, by the Department of Philosophy and History, gave in its report at the meeting of the 6th of February, together with its proposal for the most suitable application of the sum of 1500 thalers, placed at the disposal of the Imperial Academy by the council of the said institute. The committee, by

virtue of Sections 16 and 20 of the Statutes of the Savigny Institute has come to the conclusion to assist with the said sum of money the carrying out of a work on jurisprudence. For this purpose it has selected the work already commenced by Professor Dr. Maassen, of Gratz, and calculated to extend to five volumes :

“ History of the Sources and of the Literature of the Canonical Law in Western Europe, until the close of the Middle Ages.”

In order to assist Dr. Maassen in making another journey to Paris or Brussels before the publication of the first volume of his works, for the examination of manuscripts, as also to make, if necessary, a journey to Rome before the publication of the second volume, for the like purpose, the committee has reported it to be desirable to pay over, by the following instalments, the amount allotted for his assistance :

1. Of the interest due on the 1st of March, 1866, immediately after that date . . . . .	400 thaler
2. When the first volume is ready for the press . . . . .	200 „
3. On publication of the first volume . . . . .	250 „
4. When the second volume is ready for the press . . . . .	200 „
5. When the third „ „ „ . . . . .	200 „
6. When the fourth „ „ „ . . . . .	200 „
7. When the fifth „ „ „ . . . . .	50 „

Together 1500

To the 50 thalers subscription might be added the interest accruing from the moneys to be gradually advanced.

The Committee further recommended :

1. That Professor Maassen should be called upon to make a report to the Imperial Academy of the results of his journeys.
2. That on the title-page of his work he should announce that it appeared with the assistance of the Savigny Institute, and by the recommendation of the Imperial Academy.

These recommendations were adopted by the Department of Philosophy and History at the above-mentioned meeting of the 6th, and by the Academy itself at the meeting of the 28th of December, 1865, and the Court has the honour, therefore, of bringing this resolution of the Imperial Academy of Sciences respectfully under the notice of the Council.

Vienna, December 29th, 1865.

The Court of the Imperial Academy of Sciences.

(Signed)

Dr. THEODOR GEORG VON KARAJAS.

(Signed)

A. SCHRÖTTER.

In the programme accompanying this letter, the author states that he was urged by Biener, in his own and Savigny's name, in September, 1855, and subsequently also by the latter direct, to undertake this work, the idea of which was already present to his mind. He was thereby confirmed in his conviction of the necessity of the projected work, and in the belief in his own power to carry it out.

To this statement he appends a detailed account of his preparatory

labours during a period of ten years. The aim of his work is, in fact, a history of the collections of the sources of canonical laws; as, however, these sources have become of importance for jurisprudence merely by their preservation and propagation in the collections, the author believes that he does not say too much when he describes the object of his work as a history of the sources. He takes the opportunity of pointing out that Savigny gave to his famous work the title of "History of the Roman Laws during the Middle Ages," while it is in fact principally literary history.

The collection of the canonical laws were really closed before the termination of the Middle Ages; literature, however, in the main, retained its former character until, with the regeneration of science, a new era commenced also for the science of laws. For this reason he has adopted as the limit of his labours the close of the Middle Ages.

For the treatment of the subject, the author has decided to divide it into the following four periods:

1. The period preceding the middle of the ninth century.
2. The period from the middle of the ninth to the middle of the twelfth century.
3. The period from the middle of the twelfth to the middle of the fourteenth century.
4. The period from the middle of the fourteenth century to the close of the Middle Ages.

The author intends to divide the matter into five volumes. The first volume he devotes to the first period; the second volume to the second period; the third and fourth volumes to the third period; and the fifth volume to the fourth period.

The first volume will be introduced by a preface, which will refer to both the first and second volumes, and will treat of the literature of the canonical collections and previous labours on this subject. As the aim of the view is twofold, viz. 1st, a history of the collections, and 2nd, a history of the literature, the treatment of each period, with the exception of the fourth, will naturally be divided into two sections: 1. The collections; 2. The literature.

The further details respecting the work, which are contained in the appendix to the letter of the Imperial Academy, must be omitted on account of their length.

The council, at their meeting of the 27th of February, decided to give effect to these recommendations by communicating to Professor Maassen the contents of the letter from the Academy, and after he had given his consent—which has already been received—by making payment to him in the manner above stated.

The Assembly received with lively interest these communications as to the progress of the Savigny Institute, which, although originated in this Society, is supported by the savants of every leading nation in Europe, and whose first fruits are to be applied to the promotion of an undertaking suggested by Savigny himself, though he was not permitted to have the gratification of witnessing its completion.



## ROYAL HUMANE SOCIETY.

At the last meeting of this society, held at the offices, Trafalgar-square, various rewards were presented to persons who in different parts of the world had risked their lives to save others from drowning and other accidental deaths. The bronze medallion was presented in the following instances: To Mr. Burrows, cadet at the Military College, Kingston, Canada, for saving George Meyrick, the son of a soldier in the Royal Canadian Rifles, who fell through the ice at Catarique-bridge, Canada West; to Mr. Allman, clerk of her Majesty's ship *Aurora*, for saving a gentleman whose boat upset in the rapids of the river Essequibo; to James Redmonds, for saving Bridget Toole and Peter Nolan, who accidentally fell into the sea from the Carlisle-pier, Kingstown, Ireland; to Samuel Rendle, for saving Miss Terry as well as a Coast-guardsman named Mahoney, both of whom were washed off a pathway by the sea at Dawlish, Devonshire; and to Mr. John Hill, of Fulham, a corporal of the 1st Middlesex Engineers, No. 4 Company, for saving the life of a man who had accidentally fallen down a cutting 25 ft. in depth through a landslip connected with the sewerage works at Walham-green. The rescued man was at the time of the accident jammed in with timber pressed down by an immense quantity of earth, and his companions were afraid to go to his assistance, as the earth was exceedingly loose; but Hill gallantly descended the cutting, and patiently laboured with a trowel for about six hours in a most dangerous position, and was successful in extricating him alive. The thanks of the society, inscribed on parchment, were awarded to W. Z. Ozaume and N. Sella, both of Guernsey, for saving a man who was carried away by the tide while bathing; and to James Chandler, for saving Andrew Elliott, who accidentally fell into the river at Yetholm, Roxburghshire. Pecuniary rewards of various amounts were awarded for gallant services, and the recipients were Michael Nicholson, for saving Joseph Priamtgrove, who fell into the Limehouse Dock; David Barry, for saving Jane Smith, who attempted suicide by jumping into a pond at Streatham; and George Thompson, for saving Harriet Martin from drowning in the Regent's Canal.

## THE WORKHOUSE INFIRMARIES OF THE METROPOLIS.

A public meeting, convened by the recently formed Association for the Improvement of the Infirmaries of London Workhouses, was held on Saturday, March 3rd, at Willis's Rooms. The objects of the association are the reform of the sick departments of the metropolitan workhouses; the consolidation of the infirmaries of workhouses, and bringing about an hospital organisation under a central management; and the support of these infirmaries by a general metropolitan rate. The meeting on Saturday was well attended. Nearly all the front seats were occupied by ladies. The Earl of Carnarvon presided, and was supported by the Archbishop of York, the Earl of Ducie, Lord Ebury, Lord Harrowby, Lord Burghley, Lord H. Scott, Earl Grosvenor, Lord Henry Gordon Lennox, Mr. Edmond Potter, M.P., Mr. Thomas

Hughes, M.P., and several other noblemen, members of Parliament, and employers of labour. The receipt of letters from a large number of distinguished personages, regretting their inability to attend, but approving of the movement, was announced. Amongst them were letters from Mr. Charles Dickens and Mr. J. Stuart Mill, the former subscribing 20*l.* to the funds of the association, and the latter proffering every assistance in his power. After a good deal of opposition from gentlemen in the body of the meeting, who stoutly denied that the infirmaries of the metropolis were in so bad a condition as the several speakers led one to suppose they were, resolutions were passed declaring that the present management of the sick in the metropolitan workhouse infirmaries is highly unsatisfactory, that the buildings are inadequate and unhealthy, the medical attendance insufficient, the nursing merely nominal, and the general system of administration radically defective; that with a view to the humane and efficient treatment of the sick paupers, it is desirable to consolidate the said infirmaries, to support them by a general metropolitan rate, and to place them under uniform management in connexion with the Poor-law Board; that in order to give effect to these resolutions it is necessary that immediate steps should be taken to introduce a fitting measure into the House of Commons, and that a deputation be appointed to wait on the President of the Poor Law Board to ascertain whether he is willing to bring in a bill for the purpose; and, lastly, that in the event of the President of the Poor Law Board declining to take charge of the question, the committee of this association be requested to take independent means to bring forward an appropriate measure in Parliament during the present session.

It is proposed for the consideration of the Poor-law authorities, that six hospitals, each containing a thousand beds, shall be erected in London for the purposes of the sick poor of the metropolis. These hospitals will be paid for by the ratepayers generally, but will be placed under an uniform management. Their superintendence will be vested in paid officers, who will be responsible, not to the ratepayers, but to the Poor-law authorities. The treatment of the pauper sick will there be conducted as the treatment of the sick is conducted in ordinary hospitals, and so that the cruel and miserly thriftiness of guardians will no longer be able to step in between the sick pauper and his requirements. It is proposed that, at the head of this great scheme, shall be placed (as in Paris) a lay director, and under him two medical superintendents, who shall direct and be responsible for its proper working. And besides this, each hospital will be amply supplied with its own medical staff and nurses, and will be in itself a model hospital, furnished with all the modern provisions required for the treatment of the sick.

#### SOCIETY OF ARTS.

At a meeting of this society, W. Hawes, Esq., in the chair, a paper was read by Robert Coningsby, Esq., on the late Anglo-French Exhibition, with a proposal for the formation of an Anglo-French Associa-

tion. The writer stated that the Exhibition held last autumn at the Crystal Palace had been an attempt to solve two questions—first, can a working-class exhibition be got together in which amateur productions are, as a rule, excluded? secondly, are French artisans sufficiently friendly towards their English brethren to co-operate with them in a public work? If the committee had furnished satisfactory replies to these questions, he hoped they would not be too harshly judged when they confess that the experiment had cost 500*l.* or 600*l.* There were 1200 English and 70 French exhibitors; and though the number of French seemed small, yet, when we recollected that several large co-operative associations appeared as units among them, it might be said that there were as many Frenchmen represented as English. The writer, in the second part of his paper, urged the Society of Arts should add, as it were, an Anglo-French wing to its plan of action. He said the peacemakers were blessed indeed, but thrice blessed in his opinion were they who, without the incentive afforded by excitement, calmly devoted their energies to peace-preserving, and the preservation of peace would be promoted by intercommunication. Messrs. Whiteing, Botley, Figgins, Graham, Lavanchey, Dernacœur, Webber, Galloway, Stothard, and Wilson, Sir Thomas Phillips, and the Rev. Mr. Emertor spoke upon the paper; and the Chairman expressed an opinion that Mr. Coningsby's suggestions as to the promotion of intercourse between the two countries should be carefully considered by the council. The thanks of the meeting were given to Mr. Coningsby, who briefly replied and the meeting separated.

#### BRITISH MEDICAL ASSOCIATION.

The following recommendations have been made by the London Branch of this association:—

“1. That a speedy and inexpensive appeal should be provided from the decisions of local authorities; and that the body best fitted for a Court of Appeal is the Health Department of the Privy Council.

“2. That the appointment of Medical Officers of Health and of Inspectors of Nuisances should be made, as in the metropolis, compulsory instead of permissive.

“3. That the appointment and dismissal of Medical Officers of Health should be subject to the approval of the Health Department of the Privy Council.

“4. That, in counties, the appointment of Medical Officers of Health should be vested in the Justices; and that they should be paid out of the county rates.

“5. That the provision of local refuges for those labouring under contagious diseases should be rendered compulsory on parishes, &c.

“6. That the early removal of persons labouring under such disease should also be made compulsory.

“7. That local authorities should be required to provide carriage for the removal of such patients.”

At the first meeting of the Surrey District Meeting of the South Eastern Branch of the association, a very interesting paper, entitled



"Hints on House-Drainage," was read by Dr. Alfred Carpenter. In the he says:—

"The injury likely to arise from the ignorance of the many upon the subject of house-drainage has induced me to throw together the result of my own observations, and also to explain more in detail the object of the resolutions proposed to, and approved by, the Croydon Local Board of Health, on December 6, 1865.

"The town of Croydon has been for some sixteen years under the management of a local board; a general system of drainage has been carried out by means of earthenware pipes, *impermeable* in theory to air and water; all public nuisances of every kind either have been or are about to be abated; pure water has been supplied; and everything done to make the town perfectly healthy. Within the last ten years, the number of new houses built has enabled the population to be doubled, rising from 19,000 to nearly 40,000 persons. Typhoid and other fevers seemed banished, and acute diseases rendered decidedly less dangerous. Yet, notwithstanding every precaution, a few cases of fever would now and then arise. The fatal cases occurred nearly all together in point of time, and principally in new houses. On inquiry, I found that all the earlier fatal cases dated the commencement of illness from two distinct periods. Now these periods were preceded by a very heavy rainfall. To what cause could those isolated cases of fever be attributed? Unfortunately for myself, an experiment was performed before my eyes, which enabled me distinctly to point to cause and effect. My own house is connected with one of the main sewers, and has for many years been protected by a ventilating-pipe, which, ascending from the soil-pipe of the closet, was made to terminate for convenience near a cistern of large size outside the top of the house. On the night of October 17, I was aroused by a loud noise proceeding from the closet; it continued at intervals throughout the next day. Unable at first to account for it, I eventually found that it was caused by the ventilating-pipe, doing duty as waste-pipe to the overflowing cistern. There was no room for exit of foul air from the sewer, which therefore was forced through the trap of the water-closet, with at times the force of steam through the safety-valve of a steam-engine. The escaped air did not smell offensively, a faint odour alone being recognised; it was, therefore, thoughtlessly tolerated. Two or three days afterwards, one of the occupants of a room the farthest in the house from the closet fell ill with symptoms of typhoid fever, and a few days the other person sleeping in that room also showed signs of the disease. Simultaneously with the origin of these cases appeared many others in various parts of the town; and, in every case of my own practice in which enteric or typhoid fever occurred, I distinctly traced local causes for the disease in some defective house-work. It generally happened that the smell was not enough to lead to the discovery of the defect, a faint odour alone being perceived.

"The pipe-system of impermeable sewers is the best system, provided it is constructed on safe and really scientific principles; otherwise it is a delusion and a snare. In all places, a large number of new houses, as at present constructed, are not safe. They are like bell-

glasses over the sewers; and in wet weather, when foul air is most developed—when it happens that every window is closed, and every care is ignorantly taken to keep out the healthy invigorating fresh air—the top rooms become receivers of a subtle poison, which, acting upon the sleeping inmates, sets up an attack of the disease called enteric or typhoid fever. The very impermeability of the pipes becomes, in the cases referred to, an additional danger. It is absolutely necessary that provision be made in every case against the possibility of such escapes: by no accident should the circulation of air be possible from a sewer into a house, and simple means may always be taken to avoid such a chance. It has been sometimes argued that the escape of foul air is not likely to happen, because sewage does not remain in the pipes long enough for decomposition to take place. Such may be the case in theory, but it is not so in practice; and, unless a considerable fall can be obtained, with an abundant supply of water, it never will be. In every place nearly upon a level, much more care will be required than in those parts having a good fall; but in every case, without exception, protection ought to be supplied, for the sewer may be flooded, or stoppages may occur, in the best regulated. It is requisite that the opening for the escape of confined air should be as near to the top of the pipe as possible, and as close to the trap on the sewer side of it as circumstances will admit."

#### EPIDEMIOLOGICAL SOCIETY.

The President and Council invite attention to the three following questions, and would feel obliged with answers thereto:

1. Can persons suffering from cholera be admitted into the ordinary wards of general hospitals or infirmaries without danger to the health of other patients?

2. Can cholera patients be admitted into special wards, set apart for the disease, in general hospitals and infirmaries, without undue risk of the extension of the malady to the other inmates of the institution and their ordinary attendants?

3. Do you deem it necessary that special hospitals should be provided for the reception of persons attacked with cholera? and that such persons should not, on any conditions, be admitted into general hospitals or infirmaries?

#### ANNUAL REPORT OF THE GYMNASTIC SOCIETY.

This society began life on a modest scale with 200 members. A new hall was opened January 28, 1865, in which is fitted up in the most perfect manner every kind of apparatus for physical education. The society numbers 907 members, amongst which are the representative of many nations. There is a library of works on history, natural sciences, and ninety volumes on bodily exercises, including almost every book published on that subject. Attached to the institution is a "Kncipe" and a singing-club, where attractive entertainments are offered. This first example of an institution for promoting physical education promises great success. We would recommend a visit to this establishment, which is open almost every evening.

## CORRESPONDENCE.

## DR. FARR ON THE CATTLE PLAGUE.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

March 20, 1866.

MY DEAR SIR,—I send you my letter to the *Daily News*. The epizootic has apparently attained its maximum, and is now going down, as the “law” led me to believe.

The thing was going up, and looked most alarming, when I wrote. I do not like to alter what I then wrote, lest it should be thought that the alteration is made to suit the facts.

I took the series containing the “back cases” as it was published in the Second Report of the Commissioners.

Before that, I had calculated a series from the Weekly Returns of cases reported in each week.

This series follows nearly the same course, but the numbers are about one-fourth less.

The Privy Council Returns are all exceedingly imperfect; but in assuming that they are almost equally imperfect throughout, I do not think that I am very wrong.

Ever yours,

W. FARR.

*To the Editor of the DAILY NEWS.*

SIR,—The following passage occurs in the report of Mr. Lowe’s last speech in the House of Commons:

‘If we do not get the disease under by the middle of April, prepare yourself for a calamity beyond all calculation. You have seen the thing in its infancy. Wait, and you will see the averages, which have been thousands, grow to tens of thousands, for there is no reason why the same terrible law of increase which has prevailed hitherto should not prevail henceforth.’

No one can express a proposition more clearly than Mr. Lowe; but the clearness of a proposition is no evidence of its truth. And in the present instance I hope to be able to convince Mr. Lowe himself that the proposition which he has propounded is founded on a misconception.

It admits of mathematical demonstration that the law of increase which has hitherto prevailed, instead of implying “that the averages which have been thousands will grow to tens of thousands” implies the reverse; and leads us to expect that the subsidence will begin in the month of March.

I take the following figures from the second report of the able Commissioners on the Cattle Plague, of whom Mr. Lowe was one of the most efficient.

The number of reported cases from the commencement was—

	Total.	New cases occurring in 4 weeks.
1865.—Oct. 7 .....	11,300 .....	—
Nov. 4 .....	20,897 .....	9,597
Dec. 2 .....	39,714 .....	18,817
Dec. 30 .....	73,549 .....	33,835
1866.—Jan. 27 .....	120,740 .....	47,191

NOTE.—These numbers include what are called “back cases.”

It will be observed that although the attacks in the second period of four weeks were nearly double those in the first period, that rate of increase did not continue, otherwise, on the principle of doubling, the numbers would have run up from 9597 to 19194 to 38,388, and 76,776. But the attacks in the last four weeks were only 47,191; and the real law implies that the ratio of increase goes on rapidly decreasing and the ratio itself is decreasing.

Thus the increase in the first interval was at the rate of 96.07 per cent.; in the second interval it was 79.81 per cent.; and in the third or last interval under observation it was only 39.47. Now here is a complicated law of decrease in these rates; and the “terrible law” is such that—if it is any law at all—the attacks in the four



weeks ending Feb. 24 will be 43,182, and the attacks in the next four weeks ending March 24 will be 21,927, and so on. The attacks in the four weeks ending Feb. 2 will probably exceed 43,182, but the number will certainly not amount to twice—say nothing of ten times—47,191.

Periods of Four Weeks ending	Reported Attacks.	Calculated Series by "law."
1865—November 4.....	9,597	9,597
December 2.....	18,817	18,817
December 30.....	33,835	33,835
1866—January 27.....	47,191	47,191
February 24 .....	—	43,182
March 24.....	—	21,927
April 21.....	—	5,226
May 19.....	—	494
June 16.....	—	16

NOTE.—To obtain the series, multiply the first number (9597) by 1.9607, the product by 1.7981, and the second product by 1.3947. It will be observed that the rates decrease; the second is obtained from the first by multiplying by .9171, and the third from the second by multiplying by .7757. Again .7757 is obtained on multiplying .9171 by .8458. The progress is simplified by employing logarithms; and the series is continued by taking log. 9597, which equals 3.9821355; and the three orders of differences of the logarithms of the numbers derived from direct observation.

If Mr. Lowe will take his compasses, and draw ordinates representing these figures he will immediately perceive the nature of the curve; it ascends first rapidly, and then slowly, until at last it attains a maximum, makes a turn, and falls down more rapidly than it mounted. The nature of the curve is obvious.

Mr. Lowe prophesies. I will not be so presumptuous, and will admit that the law which has "hitherto prevailed" may be modified by the introduction of unknown elements. But as it would be fair to infer that a projectile thrown up in the air, losing some of its velocity every second, will stop at last, so it is not unreasonable to infer that the cattle plague will ere long come to an end. The course which it has hitherto taken justifies us in assuming that the attacks will soon be at their maximum.

I will now assign reasons for believing that this indication will be realised; and that, although rinderpest will remain in the country as a sporadic disease, liable to other eruptions, it will subside spontaneously as an epizootic. The holocausts about to be offered up will, we may hope, not retard this consummation.

All the epidemic poisons are reproduced in every individual that they attack; and if they lose part of the force of infection in every body through which they pass, the epidemic has a tendency to subside from this cause, which is strengthened in its operation by the fact that the individuals left are less susceptible of attack, either by constitution or by hygienic conditions, than those destroyed. This is as true of epizootics attacking animals as it is of epidemics attacking men. Now, the Russian physicians have shown that the matter—say *bovine*—which causes the *bovillus pestis* diminishes in strength at every transmission by inoculation, so that after it has passed through seven oxen in succession, matter which at first killed 50 per cent. of the inoculated ended by killing only six; while at a further stage of transmission few catarrhs were sickened and none died. This was in cattle of the steppe race. "Before mitigation of the virus appears in other races," says Professor Playfair, it must pass through from 13 to 15 cattle in succession. (See "The Cattle Plague," by Lyon Playfair, C.B., F.R.S., one of the Cattle Plague Commissioners.) Allowing ten days of interval, the matter in England will have passed in the natural way through 24 cattle at the end of February.

Diminished activity of the zymotic matter and augmented power of resistance in the survivors are the factors to which the subsidence of epidemics of small-pox, cholera, measles, scarlatina, and typhus are in themselves referable. The matter (cholerine) inducing epidemic cholera was apparently diffused all over England in 1848, and there were two or three deaths by cholera or diarrhoea in nearly every district; everybody more or less felt its power; but the mortality was only great in the low parts of the kingdom, and where the stuff entered the system through water as well as through air and other media.

When an epidemic disease of foreign origin enters a country it encounters difficulties

ulties of diffusion, and it is undoubtedly wise to throw obstacles in its way, so that it may pass through its phases within the narrowest possible circle. These precautions as regards all common zymotic diseases are never pushed so as to interfere with nursing, medical attendance, travelling, or social intercourse in England; yet all these epidemics subside within limited terms as certainly as they spring up.

I have stated that subsidence is a property of all zymotic diseases. I may cite the cholera epidemics in England as examples. In June, 1849, the deaths by cholera were 2046; they rose in July to 7570, and in August to 15,872. Here was a rapid and alarming increase of deaths; but the rate of increase was decreasing. The calculated deaths for September and October were 19,488 and 12,698; the actual deaths were 20,379 and 4654. It fell headlong, and became, as an epidemic, virtually extinct.

Diphtheria is the last epidemic of England. It goes through its course more slowly than cholera. The deaths in the years 1857-8-9 by diphtheria were 1583, 6606, and 0,184. Here the rate of increase was itself in a decreasing ratio, and the deaths by diphtheria in the year 1860 were 5588, which is very near the calculated number. Rinderpest, or *bovilia*, has many points of analogy with smallpox, scarlatina, diphtheria, typhus, and influenza, which all follow the law of increase and decline; the increase admitting of retardation, and the decline of acceleration, by judicious measures.

These diseases decline because their matter, generated in unhealthy varieties of race, loses some of its virulence by transmission, because all are not susceptible, and because, in their progress, they destroy the lives of animals living under such unnatural conditions as the cows of London.

The cattle plague in Rome, which Lancisi has so well described, lasted less time than our calculation gives. It began about August 10, 1713, and left no vestiges of its existence in May, 1714. It killed 26,252 cattle, according to the returns; how many it left alive Lancisi does not state; but as he is often referred to, let me cite one cheerful passage, in which he asserts that no one felt the scarcity of meat; that lambs and wethers were unusually abundant, that multitudes of cattle fed on the fields and meadows in 1715 as of yore, and that provisions were cheaper in the *Ager Romanus* than in *Picenus*, where he was writing, which had suffered nothing from the calamity.

It is but justice to our veterinary surgeons to say that their poleaxe practice is sanctioned by Lancisi; and that, after laying down the strictest rules for the isolation, for the stoppage of the movements of rustics and dogs, as well as other measures equally easy of execution, he concludes with the subjoined well-known passage:—"Quæ cum omnia mecum reputo, eorumque simul difficultatem, expensas, pericula, laboresque onfero, nihil aut facilius, aut certius, expeditiusque illatæ jam pestis esse remedium ideo, quàm si statim ab initio infirmæ animantes explosis globulis interficiantur, litisque extemplo scrobibus inferantur."—Op., vol. ii. p. 17.

It has been assumed by Professor Playfair that this advice was accepted by Clement XI. But Lancisi distinctly states that he humbly proposed the policy in the Sacred College; that it was supported by some eminent cardinals; but that it was rejected for a milder course. (*Verum potior Patrum pars in mitiorem sententiam inaccessit, et custodiendos boves.*\*) The most minute instructions of the Pope and the college are given by Lancisi; but no authority to slaughter, and apparently not a single head of cattle was slaughtered by authority in the Papal dominions. Yet the cattle plague subsided in nine months.

Feb. 16.

W. FARR.

### HELP FOR HELPLESS GIRLS.

*To the Editor of the PALL MALL GAZETTE.*

SIR,—A few days ago a correspondent of the *Pall Mall Gazette* asked the pertinent question whether, while efforts are making to assist friendless boys, nothing can be done to aid girls, equally forlorn and tenfold more helpless. There is a complete answer to the query ready at hand. Much can be done for such girls, if London philanthropists will only undertake to do it. A plan of the very simplest kind has been in action for four years in Bristol, which has afforded aid and protection to several thousand friendless young girls, and preserved God only knows how many of them from the worst fate of woman. The course pursued is simply this. A free registration office

\* Par. 1, cap. 3, p. 5, Geneva edition of his works.



is opened for a certain district, a female agent is installed in the registry, and another is engaged to visit the streets and lanes inhabited by the poorest class of children. By degrees the cases of the girls are taken up, and safe domestic service of the humbler sort found for them. The gift or advance of a few decent clothes preparatory to undertaking such service is continually the opening of a way to honest self-support, otherwise for ever unattainable. When the girls leave their places, instead of falling as they would otherwise do, into every kind of danger, they are lodged in safe quarters, and as soon as possible sent to fresh service, so long as, with perfect sincerity to employers as to their faults, such service can be found. On this simple basis of course a still more complete system of beneficial action can be raised. The ladies supporting the registry can make personal acquaintance with the girls, can hold Sunday schools, or other little gatherings, for their benefit, and even visit them in their places occasionally, and procure for them an increase of consideration from their employers. In Bristol a home has been attached to the registry office, where some young women are taught housework and needlework, fitting them for services rather above the lowly ones to which they can usually aspire. But, with or without these accessories, the registry alone, conducted by a competent agent, is a harbour of refuge whose usefulness it is hard to exaggerate.

Is it a very costly thing thus to save young souls from ruin by holding out to them a hand of succour as they are struggling in the turbid stream of life in these great cities? To *restore* them is a matter of expenditure of care and gold, of which the managers of penitentiaries may speak. The ladies who support the Bristol registry tell us that an average outlay of *ten shillings* a head suffices for each girl who passes into their guardianship, a guardianship which beyond all doubt has in hundreds of cases proved one of direct *prevention* of ruin otherwise inevitable.

F. B.

### THE EMPLOYMENT OF WOMEN.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—The Committee of the Society for Promoting the Employment of Women are desirous of making known to persons interested in girls who either from the loss of their parents or other circumstances are in a dependent position, that the society has opportunities of apprenticing such young persons to trades suitable for women. Orphan girls of the middle class are generally trained to be governesses, and thus crowd the ranks of an overstocked and ill-paid profession. Their position and their salaries deteriorate as they advance in years, and at last it becomes difficult for them to procure situations of any sort. The employment, again, is in the last degree wearing and laborious, and there is perhaps scarcely a woman in a hundred who would not be happier if trained to some remunerative handicraft. The opportunity of such training is brought within reach through the medium of the society. Great difficulty is found in providing the premium ordinarily required by tradesmen, varying in amount, according to the length of the apprenticeship and other circumstances, from 10% to 50%, and this is a legitimate outlet for the liberality of the benevolent. In some trades there is a great demand for trained female labour, and the experience of the society bears out the fact that in every trade, except needlework and teaching, trained women are sure of employment. The first step to remove the disadvantages under which women now labour is that they should be trained to do something thoroughly well, and if the managers of orphan schools and other benevolent persons will select girls from fourteen to sixteen to be apprenticed, and will provide the necessary premiums, the society will do its part in finding suitable trades and positions for them. There is already on the register a list of deserving girls desiring to be apprenticed, could the premiums be but secured. As it is only by opening a wider field for the talents of women that the condition of teachers and needlewomen can be improved, and as it is only by apprenticing them when young that women can acquire skill enough to engage in handicrafts, it is hoped that those who are desirous of relieving distress and encouraging industry will embrace this opportunity of effectually helping those who are trying to help themselves.

I am, Sir, your obedient servant,

GERTRUDE F. KING, Secretary.

Society for Promoting the Employment of Women,  
19, Langham-place, Feb. 22.



## HOMES FOR THE LABOURING CLASSES.

BY H. W. RUMSEY, ESQ., CHELTENHAM.

ALL careful inquirers into the condition of workmen and their families, whether in town or country, seem to agree that a thorough reform in their dwellings is one of the most pressing wants of the age. We hear a great deal about the progress of civilisation, but (as was truly said by a Poor Law Guardian at a recent meeting of the Society of Arts), "civilisation, in the highest sense of the word, appears to be retrograding as regards the home accommodation of the working classes." It is now generally admitted, that no very extensive change in this respect, no change at all adequate to the necessities of the case, can be effected without some sort of help from the Legislature; help which may have to be afforded in several directions, and by several methods.

The most zealous worshippers of that political idol—*Laissez-faire*—are obliged to confess, that in this matter voluntary effort has been fairly tried, and has failed to provide for more than a small fraction of the great emergency; although the experiments which have been made are rendering important service to the good cause, by showing more clearly what to aim at, and what to avoid, in future undertakings.

Several projects for improving and building homes for the working classes are now before the public, and three or four are under the consideration of Parliament. Some are merely palliative, though useful, measures; such as plans for purchasing ruinous, foul, and crowded dwellings, in order to alter and adapt them for decent occupants. These efforts, it appears, will be aided by the Treasury Bill, brought in by Mr. Childers, and I need not advert again to them.

In the following remarks I shall avoid all reference to financial considerations, my object being to call attention to the main requisites of a real, permanent, and general reformation in the housing of the poor; namely (1), the destruction of those wretched dwellings which are incurable nests of disease and crime; and (2) the erection, on proper sites, of well-planned and healthy houses, sufficient in number and accommodation, not only for the dislodged masses, but also for the large additions continually making to our town populations. These two requirements are, or ought to be, inseparable parts of one measure. The former has already been tried without the latter, not indeed tentatively for the benefit of the miserable inmates of con-

demned dwellings, but simply in the cold-blooded economy of speculation, as a first step to the extension of railways, docks, commercial structures, and public improvements, in the metropolis and other populous towns.

It is almost needless to repeat, what has been so often stated on unquestionable authority, that the overcrowding, the social degradation, the physical sufferings, and the mortality of the poor have been fearfully aggravated by these structural changes. I proceed at once, therefore, to notice some characteristics of the various plans which have been lately proposed, observing, *in limine*, that the promoters of each scheme demand a distinct and special machinery, that each party proceeds without regard to the views of the others, and that each seems to have some points of conflict with the rest.

1. There are those who wish Parliament to aid the efforts of working men, members of freehold land societies or building societies, to supply themselves with houses, by extending the legal powers of those societies, under the control of municipal or local authorities. Mr. Beggs represents this party. From extensive observation, he is convinced that there is a very large class which, by the aid of railways, could and gladly would escape from the densely-crowded centres of population to suburban districts, if the societies to which these men belong were empowered to purchase land within a certain distance for building purposes.

2. There are those, represented by Lord Carnarvon and Mr. Hughes, who ask Parliament to compel railway companies and other associations for commercial enterprise or public benefit to provide suitable house accommodation, within accessible distances, for the working people evicted by those companies or bodies in their preliminary demolitions.

3. There are others, represented by Mr. Torrens, who ask Parliament to impose on municipal, parochial, and other local authorities the obligation of purchasing and pulling down streets, alleys, and houses, unfit for human habitation, and of erecting "permanent and healthful houses suitable for the accommodation of persons subsisting by daily or weekly wages" (clause 5); the cost of these improvements to be defrayed by advances from the Public Works Loan Commissioners, on security of the local rates, and to be repaid by annual instalments in thirty years.

4. Again, the Government proposes to extend the powers granted by the "Labouring Classes Lodging-houses Act of 1851;" also by enabling the Public Works Loan Commissioners to make advances to local authorities, commissioners, companies, and employers, for the purchase of land and the erection of

labourers' dwellings; and by empowering such persons and authorities to accomplish their object by a variety of existing legal provisions. The period of loan is to be extended to forty years.

Thus we find that these several reformers contemplate at least four different kinds of agency; the workmen themselves in building societies, railway and other companies, local authorities, and capitalists or employers—both the Government and Mr. Torrens proposing that the undertakings should be aided by national loans.

I. While, to a certain extent, we may reasonably support all these demands for legislative aid, and while we hail the employment of many means towards so good an end, we are justified in calling for a preliminary inquiry respecting the PLACES in which it is proposed to erect new dwellings.

Mr. Torrens would confine the artisans and their families to the already crowded areas of town jurisdictions.

Mr. Hughes and Mr. Beggs would enable them to settle, if they preferred it, in the more airy and thinly populated suburbs.

The Government leaves open the question of site, although the title of their measure indicates "populous places."

Now, before any Bill is passed which determines the localisation of new dwellings, it is of the greatest moment that this question should be thoroughly considered, lest a new source of evils and another class of abuses be legally and permanently established.

Whether the proposed sites be in or out of towns, or by whatever persons or authorities they may be chosen, if they are radically and incurably bad—owing, for instance, to natural malaria, lowness of level, or dampness of soil—the social and sanitary objects of the improved dwellings will be defeated.

Again, if, in addition to natural defects of site, there is excessive density of population; if crowded and unhealthy dwellings at the centre of a populous city are to be swept away, only to make room for houses of a better sort *on the same sites*—houses in which an equal, or perhaps a greater, number of human beings are to be massed on improved principles, the ultimate failure of the plan, as regards its highest purposes, will be still more certain.

I am not now about to dilate upon the effects of mere density of population, or to prove its connexion with sickness, mortality, pauperism, turbulence, drunkenness, and crime of all sorts. The statistics of this question, though very imperfect, and liable at present to error, show, *primâ facie*, that moral and physical evil does almost invariably accompany the undue aggregation of inhabitants upon a limited area; and this, independently of the overcrowding of persons in single rooms or houses.



It is remarkable that even many sanitary reformers, not to say the uninstructed public, are very unwilling to admit mere density of population as a main cause of disease, &c.\* One of the ablest of the metropolitan officers of health seems to be so oblivious of the physiological effects of condensing the population, that he proposes, "without adding to the area of the metropolis, to provide healthy house accommodation for another million of inhabitants." In other words, he would diminish the average supply of oxygen to each inhabitant by twenty-five per cent. A certain amount of atmospheric air we all know to be indispensable to healthy existence. If the air over a given surface be shared by too many breathers, there is, of course, too little oxygen supplied for the maintenance of the life of each. Moreover, air which has been in contact with effete or decomposing organic matter, is found to have lost its oxidising property. The oxygen itself becomes inert, ozone disappears—as experiments by Dr. Richardson and others have abundantly proved. The practical application of this scientific discovery to the subject in hand is obvious enough.

In enactments for the building or rebuilding of houses for the working classes, security should be taken by Parliament not only that marshy ground, bad soils, and low levels shall be avoided, as far as possible, but also, that in places wherein the number of persons housed upon a certain surface of land shall be shown to be decidedly in excess of a safe maximum—where, in other words, there are too many inhabitants to an acre—the density of population shall be reduced, and the number of residents in any new dwellings restricted, under well-considered regulations.†

All future building projects ought to be controlled on the principle of dispersing overcrowded populations and enlarging areas of habitation. The greater speed and more abundant facilities of locomotion afforded by the railway system would amply justify the Legislature in enforcing that principle, which need involve neither inconvenience nor loss to employers or workmen. Yet, if the measure proposed by Mr. Torrens is to

\* In some recently published comments, very ably written, on mortality from typhus in Liverpool, the author confesses his astonishment, that notwithstanding all the sanitary improvements in that great town, its vast enterprises for sewerage and water supply, its hygienic inspection and purification, and its many natural advantages, it still ranks the highest of all towns in the kingdom as to rate of mortality. Casting about for some explanation of this bad pre-eminence, he overlooks the fact which stares him in the face, namely, that Liverpool displays by far the greatest density of population of any provincial town in England. This density seems, then, to be a clearly a cause of the high rate of mortality, as overcrowding is acknowledged to be the specific cause of typhus.

† "The maximum density should be fixed by law at 50,000 persons to the square mile, or 80 to the acre."—*Health and Sickness of Town Populations*, 1846, p. 9. "Chaque habitant doit jouir au moins de 40 mètres carrés de terrain" (that is, 4 square yards, or 100 persons to the acre).—MICHEL LEVY. *Hygiène Publique*, vol. ii. p. 572, 1850.

be carried into effect in its present form, if the ground to be cleared under the provisions of his Bill is to be again occupied by large blocks of model lodging-houses, one of the chief causes of physical and moral degeneracy will remain in full force.

"The piling up of living animals, layer upon layer—as men, women, and children are piled up in the numerous flats of these lofty buildings—cannot materially alter their noxious influence, as breathers and exhalers, on the atmosphere above a given surface of ground. The horizontal movements of air, the high winds, which act so freely and beneficially in country districts, and which, to some extent, diminish the bad effects of town aggregation, are checked by the height and magnitude of the blocks. And even if the circulation of the air be not wholly obstructed, yet if numbers of such enormous structures are to be built in close proximity, as some of their defenders propose, the air blown into any block must have been previously vitiated by passing its neighbours. The multiplication of these family barracks, so as vastly to increase the already excessive density of population, is surely a very alarming prospect, socially and physically, for the inhabitants of the metropolis.

"I do not admit the validity of any statistics—*e.g.*, of death-rates and sickness returns relating to these 'model dwellings.' For some time after they are opened, their inmates are sure to be the best, physically and morally, of the working classes. The most thrifty, decent, and industrious, and therefore the most healthy, are the first to secure the advantages of clean and civilised apartments. To infer, from a relatively low ratio of deaths, &c., for a short period of time, that this principle of housing is the best that could be adopted, would be certainly to jump at a most ill-founded and illogical conclusion."\*

The obvious conclusion from these and many other facts† and arguments seems to be, that in providing for a better distribution of the masses, as large a proportion of the working people as can conveniently live out of town should be properly housed in suburban districts.

Objections have been raised to this extradition of overcrowded populations, but none, in my opinion, that may not be easily disposed of. To some of them I would now briefly reply.

1st Objection. "Workmen ought not to be removed from the elevating and civilising influences of town life."

\* Extract from my letter to the President of the Metropolitan Association of Health Officers, *Journal of Social Science*, March, 1866, p. 277.

† An example of the benefit resulting from a reduction of the ratio of density is given in Dr. Letheby's Reports on the City of London, where, in the last ten years, the population has declined from 129,922 to 114,472, and the inhabited houses from 13,706 to 13,478, and at the same time the average rate of mortality from 23.8 to 13.3 per 1000.



What these influences are may be best known by a close inspection of the localities in which the labourers now live, and the public-houses to which they resort after work-hours. Mr. Beggs very fairly ridicules the notion that he was proposing "to convert men into savages, by inducing them to leave the busy and thriving localities of Whitechapel and Bethnal Green, with all the beneficent influences which abound in those regions."\* He shows that by the purchase of estates and their division into allotments, already effected on the Great Eastern and other lines of railway, facilities are given to the denizens of towns to get out into districts where all the more desirable elements of civilisation are amply provided. There are few well-ordered suburban villages in England without the church and the chapel, the school and the working man's club and the cottage garden. The admirable results of the separate cottage abode as compared with the town barracks are most convincingly shown in the recently published work, "*Le Travail*," by M. Jules Simon. The settlement of Mulhouse, in France, is perhaps the most decisive experiment that has yet been made, and it may serve to silence this class of objectors.

2. "It is inconvenient and costly to the workman to reside at some miles distance from the work-place or labour-market."

This objection has already been met to some extent, and may be more completely removed, by the extension of railways into towns, and by the cheap workmen's trains which carry the labourer six or eight miles towards his place of work, in the same time that he would formerly have spent in walking one mile. It is not the actual distance but the time spent in traversing it, that justifies the objection; and this time may be still further shortened.

It was a mistake, and a perverse one, to represent settlement in the outskirts of towns, as necessarily increasing the cost of labour, and inflicting loss and inconvenience on the working classes—as though it were proposed to drive them out of town by compulsory legislation. The success of experiments already made (under all the disadvantages arising from the present state of the law on the subject), and the evident feasibility of more extensive undertakings of the same kind, entitle the project to candid, and indeed to favourable treatment.

It is true that railways do not yet meet all the requirements of a large system of suburban residence; it is also true that many of the older railways have hitherto made no adequate provision for workmen, still less for their dwellings. But it must be remembered that the proposed villages cannot come suddenly into existence; and that while they are forming, rail

\* *Social Science Review*, March, 1866, p. 206.



way companies would have time and opportunity to complete their lines, and to make other necessary arrangements for the convenience of the classes to be assisted. As regards railway accommodation for working men, we must be satisfied for the present with the action taken by the Government.

If the proposals of Mr. Hughes went too far, by creating a new sort of tenant-right, they were nevertheless based on a most equitable and reasonable principle—namely, that companies, persons, and corporations, who destroy the dwellings of the poor *intra limites*, should be compelled to provide them with improved dwellings *extra limites*.

This principle has been supported by the Society of Arts,\* and acknowledged by some of our ablest statesmen.

It appears that, as far as London is concerned, no future railway bill is to pass without provision for the penny train at suitable hours. Competition may probably secure the co-operation of the established lines; but in time, recusant companies ought to be compelled to provide conveyance at convenient hours and prices; and all should be empowered to obtain land, on which to build labourers' dwellings near their stations, and within convenient distances from towns.

3. "Workmen like to dine with their families." This objection must have been made by some theorist, ignorant of the fact, that at present comparatively few workmen think of dining with their families. Neither the provision nor the cooking of food in the houses and lodgings of the poor are such as to induce the man to attempt to "dine with his family."

But the metropolis and other first-class towns now supply to the labourer and artizan a means of feeding at mid-day, which is incomparably more attractive and more wholesome.

Common dining-halls, such as those in Fleet-street, and the superior establishments of the kind in Glasgow and Birmingham, provide workmen with better food, at once more economically and more comfortably, than the majority can possibly command at their own houses.

Again, those more frugal and respectable labourers who can manage to provide home comforts in a better dwelling, will enjoy them all the more, after work done, at even-tide, in a pure and quiet neighbourhood.

4. "The workmen themselves have objected to suburban sites on railways."

Admitting this to be true in the case of a body of men em-

\* See the admirable Report of their Committee (*Journal of the Society of Arts*, May 12th, 1865). The workmen's trains of the Metropolitan Railway are, it is said, marked success; and we are told that, on the London, Chatham and Dover lines, the number of workmen carried by these trains has increased week by week."

ployed to support some metropolitan scheme, it is sufficient to reply, that another and a larger body have practically pronounced in favour of extra-municipal accommodation, by renting cottages out of town, and using the penny train. The number of this class is on the increase.

Doubtless there are many working men, without information as to the physiological effects of crowding, strongly biased by habit and associations, and incompetent, in this matter, to judge of their own best interests, and these may for the present prefer lodgings in metropolitan blocks. As education extends among this class, and as the good effects of a better mode of habitation become more widely known, their objections will cease, and they will follow the growing exodus.

This is a matter on which the Legislature ought not to be influenced by resolutions adopted by clubs and committees held at the public-houses of the metropolis.

A certain proportion of workmen, I grant, must always live in the midst of a crowd—among factories, docks, and warehouses—although this proportion is probably not so large as has been represented. A limited number of town blocks should, no doubt be provided; “but the size, height, and human contents of these blocks should be under certain restrictions, and especially they should not be built near together, or in rows or streets.”

II. I am thus led to a second point demanding attention, before any building project is sanctioned by Parliament: I mean the necessity of more stringent regulations as to the plans, materials and construction of labourers’ dwellings.\*

No one who travels through the outskirts of London and other large towns, can fail to be struck with the wretched appearance of the badly-built cottages and rows of mere huts, which are springing up like mushrooms in all directions.

Here it is that building speculators of the lowest order, and hordes of wanderers, who escape from populous places for want of room, and from country parishes for want of remunerative employment, combine to make the border territory between town and country the worst regulated, and in some respects the most dangerous, of all districts. Again, the atrociously bad condition of the cottages of rural labourers in most country districts, well known to those who visit them, officially or voluntarily; and it has been thoroughly and faithfully exposed in the Seventh Report of the Medical Officer of the Privy Council.

I would, therefore, urge the importance of extending a well-considered code of building regulations to the whole of Great Britain. Granting that the several requirements and conditions of building must vary considerably in dense and sparse popula-

\* See Essays on State Medicine, pp. 16, 17.



tions, and in different parts of the country, according to climate, soil, and materials, &c.; granting also that the same details of regulation would be inapplicable both to the town lodging-house and to the rural cottage; there, nevertheless, seems to be no reason whatever why some department of Government competent to deal with the question, should not be authorised to draw up provisions suited to various localities, and made imperative upon the governing bodies of towns, districts, or counties.

A general Building Act is an essential—I may say an indispensable—accompaniment to any Act for promoting better dwellings for the working classes.

The sites of condemned houses, when cleared, should either be resold under stringent conditions as to the sanitary construction of the houses to be built on them, and the number of persons to be accommodated, or be thrown open to the public and planted for recreation grounds. Every possible inducement consistent with sound policy should, I repeat, be offered to local authorities, to companies, capitalists, and employers of labour, and to the workmen themselves, to extend the present too limited areas of towns.

Here I would observe, in passing, that the present irrational restriction of certain political privileges to those who reside within the boundaries of boroughs, operates powerfully in promoting an injurious aggregation of inhabitants—injurious not only to health and morals, but also to the pecuniary interests of the working classes, by raising extravagantly the rental of ill-conditioned house property.

The builders of suburban cottages, whoever they may be, should be required to report all particulars as to site, plans, building materials, water-supply, drainage, number of persons to be housed, &c. These reports should be made to competent authorities, empowered to disallow the erection of unhealthy dwellings, as well as to register and inspect, from time to time, such as may be built. Both proprietors and tenants should be subject to civic regulations, and to right of entry by official visitors.

III. Such considerations carry us on to the question of jurisdiction; and here I regret that I cannot avoid criticising the main features of the Bill proposed by Mr. Torrens.

His measure would apply only to towns and parishes in which there is a Board of some sort for local sanitary management. All building or rebuilding is to be done *within* the limits of the local jurisdiction. It is obviously intended that the new dwellings shall be erected on the very spot, “on the same or some adjacent site.” (Cl. 7.) However vile that site may be, however unfit for human habitation, it *must* be used for the new dwellings. Nay,



worse, the number of persons to be accommodated must be "no less than that of the persons and families previously residing in the houses which shall have been previously removed." (Cl. 7.)

Thus, the social and sanitary evils, caused by too great density of population, are *not* to be diminished, but they are to be maintained by law; and they may be augmented indefinitely, for the Bill specifies no limit to the numbers who may be housed on the "site."

The propriety of some such limitation becomes more apparent when we learn that, whereas in the very worst parts of Liverpool in 1843 the amount of superficial space to each inhabitant was at least 4 square yards, the Metropolitan Association for Improving the Dwellings of the Labouring Classes in 1857, allowed only  $4\frac{1}{2}$  square yards (including open spaces) to each resident.

It is gratifying to find that Mr. Peabody's trustees have improved upon the earlier effort. At Spitalfields and Islington the dwellings and open spaces afford an average of eight square yards to each occupant. Let us hope that this small allowance may be at least doubled, by reducing the number of floors, in future buildings.

Every practical man will at once perceive that the provision in Clause 8, for "a window in each room being made capable of opening to the outer air," and for a space of 350 cubic feet being afforded to each occupant, would not infallibly secure the intended sanitary advantages. No limit is prescribed either to the height or to the proximity of the new buildings. The Bill provides an effective remedy for some of the most flagrant wrongs in the housing of the poor.

No provision is made for the purchase of land and the erection of houses beyond the limits of the local jurisdiction, and therefore no opportunity is afforded for a safe and salutary dispersion of the too crowded masses.

The whole direction of the proposed measure is committed to Boards, which have not hitherto shown any particular qualification for the office, any strong desire to promote the physical and moral welfare of the working classes, or any remarkable skill in the sanitary government of their districts. It has been truly said, that "the worst sort of houses in towns generally belong to the class of persons which wields a preponderating share of local authority."

Surely it deserves consideration whether the administration of such an Act might not be committed to bodies having more extensive areas of jurisdiction, and containing a larger proportion of well-informed members, unfettered by local prejudices and interests. In the provinces, Boards of Guardians would be preferable authorities. Their districts are generally much larger than those of town councils and parochial Boards. They are

tain justices of the peace as *ex-officio* members; they include under their management every parish in the kingdom.

Better still, in some respects, might be the county magistrates acting in quarter sessions, especially if aided by representatives from local Boards.

Either the district or the county authority, or both, might be empowered, and in extreme cases directed, to purchase or take land for building sites, *on the requisition of any local Board or of the central authority*—such requisition setting forth the necessity for extra-municipal or extra-parochial dwellings for the overcrowded residents within the narrow limits of local government. The provisions of both Bills now before Parliament might be extended to the authorities of wider jurisdictions.

No measure would be complete unless it included compulsory powers to purchase suitable sites; nor has any valid reason ever been assigned why powers granted to railway companies should not be shared to the fullest extent by those whom the Legislature authorises or enables to build dwellings for the poor.

IV. Lastly, I would suggest further consideration of the question, what particular department of Government might be most properly empowered to initiate and control proceedings under the proposed Act.\* Mr. Childers' measure authorizes the Commissioners of Her Majesty's Treasury to issue instructions, not only as to the grant of loans and the execution of works, but also as to "the class of houses or dwellings for the building of which such loans may be made, and the suitability thereof to the purposes intended, and as to the means that are to be provided for their maintenance, repair, and insurance."

Mr. Torrens would commit all or most of these functions to the Home Secretary. One is at a loss to perceive why this special subject should be cast upon a department of Government which is said, by those whose position and experience entitle them to give an opinion, to be already over-burdened with the variety and magnitude of its affairs.

But looking at the sanitary objects of the proposed dwellings, it might be reasonably inferred that a Committee of Privy Council on Public Health, to be aided by the advice and experience of the Medical Officer of that Council, might be more appropriately empowered by Parliament to carry into effect a general measure for the better house-accommodation of the working classes.

\* "For this purpose there is wanted a new ministerial department, which shall be in the same relation to Town Councils and Local Boards of Health as the Poor Law Board does to the Guardians of each union. To this body should be attached a proper staff of inspectors, who would be empowered to hold inquiries into cases of alleged neglect on the part of any local authority, and to report on them to the central Board."—*Saturday Review*, March 31, 1866, page 393.

## REVIEWS.

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### HEALTH OF DUBLIN.

THE report on the sanitary condition of the city of Dublin,\* during the year 1865, and which has been adopted by a committee of the municipal council of Dublin, for the prevention of disease, is a document of great interest. In this city the officer of health, who, as director of the sanitary department, acts in conjunction with a public analyst, has duties which are to see that nothing is left undone which in any way relates to the promotion of public health, the prevention of disease, and the removal of nuisances. Inspectors of nuisances are subordinate to these officers, and occupy themselves, under their direction, from ten to four each day, reporting their duties daily. The police commissioners give also every facility and assistance for the furtherance of sanitary work. A clerk in the sanitary office of the City Hall attends daily, so as to be able to acquaint himself thoroughly with all the sanitary matters and laws relating thereto, and to give full and accurate information to all inquirers.

The death rates in the seven districts of the city vary from 1 in 22 to 1 in 57 of the population, the high rates include the workhouse and fever hospitals. Of the deaths 492 were due to fever, 70 to small-pox, 43 to scarlatina, 157 to measles, 290 to dysentery and British cholera, 969 to consumption, 511 to convulsions in infants; 3246 cases of fever were received into the Hardwicke and Cork-street hospitals, and as the address of each patient admitted during the week is made known, on the following day the houses are visited by the inspectors of nuisances, who inquire into the state of the ashpit, privy and house-drain, and, if necessary, orders are given to put them in proper order, and the room where a case has arisen is directed to be ventilated and whitewashed. It is to be regretted that there are no legal powers to compel fresh fever cases to be removed, but the patients are urged to seek admission into the hospital. Fever-carts are attached to the above-named hospitals, but in other cases street cabs are used for the conveyance of patients to the hospitals.

A single fact is here recorded which shows the importance of legislative power to enforce the inspection and registration of lodging-houses. Out of ninety-five common lodging-houses, registered and inspected, only one case of fever occurred in the year, while there was scarcely any house let in tenements which did not produce a case. In accordance with the Dublin Acts Amendment Act, 1864, the corporation

\* Report of the Health of Dublin for the Year 1865.

The Unhealthiness of Irish Towns, and the Want of Sanitary Legislation. By E. J. Mapother, M.D., Medical Officer of Health.



have been enabled to effect the registration of tenemental dwellings, and have issued bye-laws, which have been posted up in each lodging-house, numbering about 9000, and during the four months this Act has been in operation, nearly 5000 houses have been visited, and 65,000 sanitary defects have been discovered, and it is pleasing to add that the visits of the officers were always gratefully received by the poor tenants.

Chemical-works, gas-works, trade nuisances, slaughter-houses, noxious trades, and the emission of smoke, have occupied much of the attention of Dr. Mapother, and in some instances special instructions have been issued, those for the direction of stokers for the prevention of smoke, such as, if space permitted, we should be glad to have quoted verbatim. Amongst the various suggestions proposed by Dr. Mapother, we may mention the following:—1. A sanitary survey of the city on a scale of five feet to the mile, on which the existence or non-existence of sewers, the position of slaughter-houses, piggeries, and factories, where noxious trades are carried on, where cases of fever have occurred, and other sanitary circumstances, can be marked down. 2. A disinfecting-house, where, for destroying contagious poisons in clothes, bed linen, and other fabrics (such an institution has been erected in Liverpool) where the poor can gratuitously have recourse. 3. The spread of fever would be much checked if the families of persons struck down with it might take refuge during the purification of their dwelling, or while the head of the family is removed for treatment into some hospital; as is done in Glasgow. 4. For the prevention of bronchitis and other inflammatory diseases, the wet state of the pavement ought to be avoided, by carrying the water-spouts under the flag-way to the street channel. 5. With regard to sempstresses and tailors, and others employed in the workrooms of trades not yet regulated by law, much mortality from contagious disease and consumption might be prevented by better ventilation; improvements in their habits, connected with the excessive length of working time, irregular meals, and inducements to drink, all of which tend to lower their vital power to bear up against disease, are also suggested. We shall have hereafter to refer to the great unhealthiness and want of sanitary arrangements in many of the large Irish towns. 6. Some legislative enactments are not quite satisfactory, and the following are noted for amendment or alteration:—1. A repeal of the clause for the registration of tenemental houses, as it is alleged that much delay and legal action is necessary. 2. Power to close a house infected with fever, as contained in the English Act. 3. Power to close houses which are unfit for human habitation, as contained in the Scotch Health Act. 4. Power to regulate the greatly crowded and unhealthy cottages and stables, over which there is no control, if they are let for more than three shillings a week. 5. Provision for the burial of paupers. 6. A more clear and simple codification of the nuisances and other sanitary Acts. The appointment of Dr. Mapother, and the result of his first year's labour, reflects upon the corporation of the city the greatest possible credit, and has already produced highly gratifying results.

## BRIEF NOTICES OF BOOKS AND PAPERS.

*A Manual for the Classification, Training, and Education of the Feeble-minded, Imbecile and Idiotic.* By P. M. DUNCAN, M.B., London, F.G.S., F.A.S.L., honorary Consulting Surgeon, and WILLIAM MILLARD, Superintendent of the Eastern Counties Asylum for Idiots and Imbeciles. Edinburgh: Edmonston and Douglas.

In another part of our journal will be found a report of a meeting at Manchester, for the purpose of establishing an asylum in the northern counties for the education and training of idiotic and imbecile children and young persons, so as to fit them, as far as possible, for the duties and enjoyments of life. The separation of idiots from insane persons and applying to them a special mode of training, has been attempted in most of the states of Europe and America, and found to be very successful. There is, however, a want of sufficient and correct information on the treatment, education, and nursing of these unfortunate beings, which the above-named work is calculated to supply; the opinions and advice therein contained being the result of long acquaintance with the peculiarities of this class of persons. A large number of cases and results are given to show that classification is a matter of no little importance. From the remarks and valuable suggestions scattered throughout this work, it is evident that results are attained truly gratifying to every philanthropic mind, and that institutions for the feeble-minded and idiotic are capable of removing great sources of domestic misery. It appears that many idiots acquire the power to earn their maintenance: strong youths can be trained to dig and work on land; girls to sew rapidly and well; tailoring, carpentering, and household industrial pursuits have suited others; and in the upper classes of society, they can be made to pass muster in the family circle, by taking part in cricket, croquet, &c. Noisy and excitable cases can be made to become calm, quiet, and cleanly; their tricks and propensities, so troublesome to parents, have been overcome; even the moral and religious feelings have been aroused and fostered, so that deeds of simple kindness have been performed by those who were once selfish, sensual, and depraved. This book is worthy of every possible praise. As a practical guide in the training and education of idiot children, on the management of the epileptic, for instructions to attendants and nurses on the clothing, diet, gymnastic, and special exercises, and, lastly, for hints on the medical treatment of idiots, this work may be confidently recommended to all those who are interested in seeing a better provision for the 10,000 idiots at present under parochial protection.

*Homes of the Working Classes, with Suggestions for their Improvement.* By JAMES HOLE, Honorary Secretary of the Yorkshire Union of Mechanics' Institutes. Longmans, Green, and Co., Paternoster-row.

This is a most complete work, much larger than was at first contemplated when it was read as an essay, for which a prize was awarded in 1865, by J. D. Luccock, Esq., Mayor of Leeds. The author has had ample experience for treating the subject, and for giving an insight into the difficulties, and various methods for remedying the evils of inadequate home accommodation. That large portions of the industrial community should have no resource but to live in houses where every condition compatible with health should be absent, is now so generally recognised as a scandal and a disgrace to our country, that we hail with pleasure any efforts, both in sanitary legislation and municipal action, which tend to improve the homes of the people. One would naturally think, says our author, "that the three cheapest things in this beautiful world, and the three things which any one might have as much as he liked, would be *sunlight, pure air, and clean water*, yet they are fast becoming the scarcest luxury a man can wish for." This book should lie upon the Board-room table of every parish vestry, in order that guardians and others may be better informed in sanitary regulations and possible legislation upon this and other subjects under their control. Permanent social improvements cannot be much looked for, until we see a wider diffusion of knowledge of sanitary principles amongst those who have the responsi-



ility of carrying measures, the expediency and benefits of which they do not fully comprehend. The various practical questions that arise for Corporations and Guardians, in their capacity as local and self-governing committees, are most ably treated in this work. We will simply mention some of the subjects: as rents; landlords' rights; model lodging-houses, improved dwellings, &c., but the most valuable part of the work is the copious appendix, with an abundance of plans and diagrams of buildings; a chapter on Leeds; others on baths and washhouses, disposal of town refuse, the familistery at Guise, building societies, Government loans, difficulties of education, amendment of sanitary laws. There is also a most valuable mass of information on one of the most pressing and momentous questions of the day—the homes of the people, and the homeless condition of the poor.

*Where shall we get Meat? The Food Supplies of Western Europe: a Paper read in the Department of Political Economy at the International Social Science Congress at Berne, in 1865.* By JOHN FISHER. London: Longmans, Green, and Co.

The decrease which has taken place in the production of meat in this country leads us to ask the question, "From whence shall we procure our supplies of food?" The agricultural statistics of European nations are scattered in reports and scanty in detail. The author of this work has endeavoured to furnish the best and most recent intelligence upon those sources on which we may depend in future for supplies of grain, cattle, butter, and other produce of foreign agriculture. Last autumn he visited France, Switzerland, Belgium, and Holland; and the present work is a most concise and readable mass of information on systems of farming, the production and distribution of food produce, with impressions and sketches of his travels. There is much in this work that deserves consideration for those who enter deeply into these topics. The land of the United Kingdom does not support half its own inhabitants, the supplies both of corn and meat have fallen off, there is a disinclination to till the soil by human labour, the people who were and are now best able to do it are leaving the country by thousands, and with the loss of food there is a loss of the strength of the nation. The author has much to say on the rotation of crops, small and large farms, imports and exports; indeed, the work is highly suggestive, interesting, and practical.

*Our Domestic Fireplaces. The Economical Use of Fuel and Prevention of Smoke.* By FREDERICK EDWARDS, jun. R. Hardwicke, 192, Piccadilly.

Since the publication, in the latter part of last century, of Count Rumford's essays, known but to few persons, very little progress has been made in the construction of open fireplaces. The ignorance that prevails almost everywhere on the subject of warming, lighting, and ventilating, leads to much discomfort and misery, and calls for a better understanding of principles that should rule in the efficient and economical use of coal. The author of this book has rendered great service in this direction. The number of houses in the city and metropolitan parishes is about 10,000, the fireplaces probably 3,000,000; so that whatever proposition of a practical nature could be suggested for diminishing the smoke nuisance is a matter of great public moment. There are many reasons for believing that the time will arrive when we shall be able to burn coal that shall be comparatively smokeless, and when the great smoke nuisance will be, to a great extent, abolished. The first part of the work is devoted to a description of inventions and patents in domestic fireplaces; several of these profess to prevent or reduce the formation of smoke by causing a more perfect combustion of coal. There is no lack of these inventions, being forty-eight in number; some, no doubt, possess great merit, are very curious, and worthy of being brought into public notice, some are absolutely worthless. The principle of filling a common grate with coal and lighting a fire at the top, to which public attention was called a short time since, does not appear to be highly recommended. Some portion of this work is devoted to the Patent Law Amendment Acts and their operation upon this branch of manufactures, showing that the same thing has been patented several times over, and that the evils attending the present system not only have an injurious effect on the patentees themselves, but are such as require immediate alteration. This work may be consulted by practical men as to the best form and materials for stoves,



means for the supply and escape of air from the fire, the utilisation of the products of combustion, and other kindred subjects, which the author appears to have examined with great care.

*The Temperance Spectator for March, 1866.*

We were somewhat alarmed at the announcement, in the *Spectator*, of "Two Inquests on Teetotalism." We certainly were not prepared for this premature decease of so active a body, nor of the necessity of two inquests, although a violent death might at any time have been predicted of some of its members. On turning to the article we soon found, however, that this was only a facetious way of referring to remarks which had been made in this journal on teetotalism. We cannot say that we rejoice that anything we could have said on the subject of drinking alcohol should have called forth the remarks of the anonymous writer in the *Temperance Spectator*, so utterances more disgraceful to the spirit of courtesy and fair argument that should characterise periodical literature, we have seldom read, and we only call attention to the article to record what we regard as an opprobrium to a cause whose advocates in general we hold in respect and admiration. We are quite willing to enter the lists of argument with teetotalers, but we are not prepared either to reply to or bandy personalities in the style of the article in question. All we now wish to say is that if the argument in favour of teetotalism is founded on a physiological basis and appeals to acknowledged facts, we shall always be anxious to give it a patient investigation. Our pages will be always open to any communication that may have for its object the social welfare of mankind, but we must protest against the intemperate speech of temperance men as one of the great barriers to anything like a truthful discussion of the effects on the system of alcoholic beverages. It would seem that as one after another of the scientific advocates of teetotalism have given up its practice from considerations of health and prudence, that the less instructed admirers of the system are substituting abuse for argument. We again repeat what we have before said—that the substitution of light wines and beers for strong wines, strong ales, and spirits, would do more for the abolition of drunkenness than all the arguments of teetotalers, and that what is really needed in society is the prevention of intemperance and not recourse to abstinence. The digestive system of the *Temperance Spectator* penny-a-liner has evidently affected his intellects, and, in the language of St. Paul, we seriously recommend him "a little wine for his stomach's sake, and often infirmities."

## MONTHLY CHRONICLE.

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**The Cattle Plague.**—This great murrain will, we hope, soon be a matter of history. We wish we could think that it would be a warning either to our Government or our press. Had the counsels of those been listened to who knew the origin and the nature of this plague, a sum of at least 3,000,000*l.* might have been saved to the country. The *Times*, however, thinks that this money has been well spent, as otherwise "we should not have been convinced of the incurability of the disease." But whose fault was this? Who was loudest in the denunciation of the "stamping-out" policy (which, by-the-by, is now wrongly credited with the present favourable result)? and whose columns were filled fullest with ridiculous accounts of cures, from garlic and onions down to infinitesimal doses of arsenicum? We again draw attention to the letter of Dr. Farr, which we published last month, and which is dated February 17th, and ask all those interested in this matter as to whether the Government can take all the credit for the decline of the disease? The disease is disappearing, it is true, but according to a natural law. Tenterden steeple, after all, was not the cause of the Goodwin Sands. The *Pall Mall Gazette* estimates the loss by the cattle plague at 3,000,000*l.* sterling, and says: "Five years ago the country, or at least a very important portion of it, was visited by the cotton famine, which lasted more than three years, and inflicted not only heavy and ruinous losses on individuals, but terrible suffering and privation on vast classes of our fellow-citizens. In three years the employers of labour in the manufacturing districts lost 8,000,000*l.*, and the labourers, on a moderate estimate, 33,000,000*l.* of wages, to say nothing of the losses of collateral classes of the community. Numbers were reduced to poverty; thousands and hundreds of thousands were only saved from actual starvation by the most generous eleemosynary aid. That aid, no doubt, was rendered in the most prompt and liberal manner; subscriptions poured in from all quarters; no one really died of want; but since the Irish famine no such severe and bitter calamity had visited our shores. Yet there was no legislation on the matter; no special tax for relief or compensation; no demand that the community at large should pay the losses of the manufacturer, or make good the earnings of the operatives. Nobody spoke of a Humiliation Day. Prayers enough went up to the Throne of Grace for aid and strength; but they were the prayers of the sufferers, not of the bishops nor of the Church. For three years Lancashire bore in silence an aggregate loss of sixty millions: the loss of three millions, lasting only for three months, raised a wail of distress and supplication from the agricultural classes such as twenty-fold the injury, lasting twelve times as long, could not wring from their manufacturing brethren!"

**The Cholera in Luxembourg.**—A letter from Wiltz (Grand Duchy of Luxembourg), of the 5th ultimo, says: "The greatest alarm prevails throughout this district, owing to the dreadful ravages made by cholera at Diekirch and the surrounding villages. Between the evening of the 1st and the morning of the 3rd the deaths amounted to hundred, out of a population of only 2000 souls. All the means hitherto employed to arrest the progress of the epidemic have been in vain. To purify the air large fires have been made in the streets, and the houses inundated with chloride of lime, but without effect. All who can are leaving the place. The disease made its first appearance at Clemenci, near Arlon, to which village, according to report, it was brought by a workman from Paris. It soon spread to Mamer, Eich. Dommeldange, Weimerskirch, Luxembourg, and Diekirch, apparently following the water-courses." On the same subject the *Courrier de Grand Duche de Luxembourg* has the following: "The cholera has been raging at Diekirch for some days past with unusual violence. After carrying off numerous victims among the working classes, it is now choosing its prey among the wealthier inhabitants."

**Hospital Nursing.**—There are four metropolitan hospitals in which the system of lady-nursing has now been tried sufficiently long to enable a just estimate to be formed of its merits. From the experience of King's College, University College, St. Thomas's, and the Great Northern Hospitals, it is found that the plan is attended with the greatest benefit, and with none of those evils which many at first feared from its introduction. In one respect, especially, various forebodings have not been realised. There is no interference with the religious convictions of the patients. Nothing like proselytism is attempted. The medical authorities of these institutions freely express their satisfaction with a system which gives them all the advantages which education, intelligence, and refinement can bring to bear upon a task peculiarly demanding such influences. Efforts are now being made to introduce this system into other hospitals. A committee, consisting partly of lay and partly of medical members, has lately recommended unanimously to the Weekly Board of St. George's, that two wards should be given up to the Sisters of St. Peter's Home, Brompton with a view of testing the working of the system. A special court of the governors will be shortly called to consider this measure, and there seems no reason to doubt that it will meet with approval. At Charing cross Hospital arrangements have been concluded by which in the course of the present month the nursing will be confided to the care of the ladies of St. John's House. Miss Louisa Twining has offered to take the superintendence of the nursing at the Middlesex Hospital, and to introduce a staff of lady sisters and nurses. Nearly all the medical staff are strongly in favour of accepting this offer, but they have not yet received the necessary sanction from the Weekly Board to carry it into effect. The question is to come before the next quarterly meeting. We are surprised to hear it rumoured that the Weekly Board is disinclined to adopt the system. If this be the case, it must surely arise from a want of sufficient consideration of the subject. A liberal offer



is made, by which, with a distinct saving in expense, a plan of nursing which has stood the test of several years' experience is proposed to be carried out in the hospital. At present, when extra nurses are required, these are sought wherever they can be procured, with a result which often gives them most inefficient agents. Under the proposed system, good nurses are immediately forthcoming for any emergency. It needs but a visit to the various hospitals where the system is pursued to notice its advantages in the superior order, cleanliness, and general management which prevail. Surely the Weekly Board will not hesitate about accepting an offer which must be attended with the greatest benefit to the patients, for whose welfare they are responsible. If there were no other reason for urging the measure, it would still remain a question whether, as managers of a public charity dependent upon voluntary subscriptions, they are justified in refusing an offer which will save expense while supplying the hospital with an infinitely more efficient staff than at present can be procured.—*Lancet*.

**Spread of Contagious Diseases.**—The indifference with which decent people look on and see contagious diseases ravaging their families and neighbours is something very astonishing. The way in which people pass from a house full of contagious germs to another house that is free and thus communicate disease, is very well known. Another fertile source of the spread of these diseases, is the sending children who are well from infected families to school, and thus communicating the disease to those who come from uninfected houses. But one of the most fertile sources of the spread of small-pox, scarlet fever, and typhus, is the conveyance of people sick with those diseases to hospitals. Dr. Jeaffreson, in a recent communication to one of the daily papers, says, with regard to St. Bartholomew's Hospital for 1864: "There were in the course of that year under treatment in that institution, 42 cases of scarlatina in its first stage and 27 in its second, and as many as 84 cases of typhus fever. With barely an exception, all these 153 patients were conveyed in cabs, which, in but a few minutes after discharging their fever freight, would be plying for hire, and might be entered by persons little suspecting the risk they ran in entering them. I know only too well how thorough are the means taken to infect the cabs in which fever cases are conveyed. First of all is the patient exhaling poison by skin and lungs, and from the blankets just taken from his or her bed. Two or more friends from the same garret—themselves, may be, in an early stage of the same fever—more oftener than not share the confined space, and then, so that the patient shall not 'catch cold,' all the windows are closed. Few people can doubt, and still fewer of those who do so will care to disprove by personal experiment, the foul and poisonous atmosphere which, under such circumstances, soaks into the lining of the cab, and becomes painfully evident to the nostrils (the reek even to the eyes) of him who examines the case on its arrival." Dr. Jeaffreson then draws attention to the establishment of a Hospital Carriage Fund. He says, "the committee have already ordered two ambulances to be built, of the most approved construction, and in form like an ordinary long-bodied carriage, so that when drawn

up at the houses of even the wealthier classes, they may not attract attention as undoubted fever conveyances, it being often a matter of serious importance to give no unnecessary alarm in a respectable house or street where fever has occurred. Although these two carriages will at first be placed in connexion, one with the Small-pox Hospital, and the other with the Fever Hospital, they will also be at the disposal of any fever patient about to be removed to other hospitals. For the more immediate convenience of such cases, the committee hope to be enabled, by being placed in possession of sufficient funds, to establish two or more stations and ambulances at convenient points, so that they may be made available for all parts of the metropolis. It is intended that there shall be no charge made, even for horse-hire, to those using these carriages, and the committee trust that such a course will entirely put a stop to the use of street cabs by fever patients. If this is not the case, they feel that when once they have placed other conveyances at the disposal of the public, they may fairly ask the Legislature to render penal so unjustifiable an act as the endangering persons' lives by turning hackney carriages into fever ambulances. One other important point requires notice. Desiring to give every facility to the use of their carriages, the committee have under their consideration the question of placing the Small-pox and Fever Hospital, and subsequently other stations, in immediate telegraphic communication with all parts of London. Already they have estimates as to the cost, which will, I fear, deter them, unless, through your giving publicity to this plan of action of the committee of the Hospital Carriage Fund, sufficient money can be raised to warrant such an addition to their annual expenditure. In the mean time, so that the question of expense may not deter any one from using their ambulances, the committee have decided to make arrangements, so that persons requiring the carriage may send messages, free of cost, through the existing stations at Islington and High-bury. The instances of typhus occurring in families whose position in life should preclude the possibility of their suffering from such a fever, and the many cases in which scarlet fever and small-pox infect persons and families, of whose exposure to contagion no evidence can be obtained, might doubtless often be explained by the unaccountable carelessness of the public as to whether they and the fever or small-pox stricken use the same conveyances. Knowing that cabs, full of poison are frequently brought from the foulest stews, some persons systematically avoid their use; but the majority of the community must use them, and I would not now write to insist on the risk they thus run, did I not at the same time show a practicable mode of escape. The public have the remedy in their own hands. It rests with them to determine by the pecuniary support they give, to advance the above objects whether it shall be applied, and a better system be inaugurated by (at latest) the 1st of June next."

**Verdicts of Felo de se.**—The *Pall Mall Gazette*, which, in February 1865, was so shocked at a verdict of temporary insanity in the case of Victor Townley, the only alternative of the jury in that case being a verdict of *felo de se*, has the following remarks on the recent case of



Villens:—"If a score or so of juries were to return the same verdict in cases of suicide as that which has just been returned in the case of Villens, the man who guillotined himself in Bouverie-street, the anomalies of the law in the matter of suicide in general would stand a chance of being remedied. There is something in the verdict of *felo de se*, or rather in its consequences, so shocking to the modern jurymen that it is rarely returned, even in cases when there is not a shadow of proof of insanity. Few men do not shrink from sentencing the lifeless remains of the suicide to a midnight burial without the expression of a single thought of religious faith and hope; and the more so, as the services of the Church are incessantly employed in the burial of men and women who have habitually scorned all ideas of religion during their lifetime. But, apart from all question of feeling or sentiment, the present state of affairs is most unsatisfactory. Whether suicide is murder, or it is not murder, in the same sense as the deliberate killing of another person is murder and is punishable with death. If, therefore, a man tries to kill himself and fails, he is really guilty of the definite crime of wounding 'with intent to murder;' and on all consistency he ought to be punished, if punished at all, with the identically same punishment which is inflicted on those who wound their fellow-creatures with intent to murder. But no attempt at suicide is ever punished except by a most lenient sentence. Public opinion would not tolerate the sentencing a poor woman picked up out of the river, where she was trying to drown herself, to fifteen or twenty years of penal servitude. Either, then, the law should leave suicide altogether alone, or it should treat the successful and the unsuccessful as crimes of the same nature, as it does in the case of ordinary homicide. And as it is totally impossible to visit the unsuccessful act with any terrible penalty, so the law should put an end to the verdict of *felo de se*; a verdict, moreover, which wears the look of a wreaking vengeance on all that remains of a miserable human being. As to the special verdict in question, it seems to have been based on the monstrous theory, that when a man kills himself without being impelled by great sorrow, he is therefore to be set down as not insane. The truth is that the perpetration of such an act without any motive whatever is the surest proof of insanity. A mind overwhelmed with wretchedness is often tempted to self-destruction, as the means of escaping from its agonies, without the least failure of the reasoning faculty. But when there exists no reason why a man should desire death, and yet he seeks it, he is clearly mad. Would a man be held responsible if he calmly and deliberately took a valuable watch from his pocket and crushed it beneath his feet? What, then, when it is his own life that he shatters without ground for being weary of it?" These remarks were followed by a letter from Dr. Forbes Winslow, who says:—"SIR,—May I be permitted, using an American phrase, to 'endorse' the humane and philosophical view you have taken of the verdict of *felo de se* recorded by the jury who sat upon the body of the unhappy man Villens, who a short time since guillotined himself in Bouverie-street? It is gratifying to find one influential and leading



London journal entering a protest against the most unjust verdict returned in this case. Of Villens's insanity no unprejudiced person could entertain a doubt. It appears that the jury were mainly influenced in their verdict by the fact of the suicide having exhibited great mechanical skill, self-possession, and ingenuity in the mode by which he destroyed himself. Nearly thirty years ago I wrote the first medical treatise on suicide published in this country, and in that work I recorded the history of a lunatic who committed suicide by crucifying himself on a cross which he had skilfully manufactured for the purpose. He devoted a considerable length of time (some years, I believe) to the construction of this instrument, upon which he subsequently nailed his arms and legs; he then, by the exercise of extraordinary cleverness, contrived to get the cross out of the window, and to suspend it by ropes in front of his house, with his body firmly fixed upon it, in exact imitation of the pictures representing the crucifixion of our Saviour. In many cases of a similar character the most remarkable cunning and skill are exhibited by suicides in carrying into effect their insane ideas of self-destruction. Design, method, great cleverness (of a mechanical kind, remarkable self-possession and cunning, are constantly observed among the insane afflicted with the suicidal monomania. The brain, in consequence of its state of irritation, or congestion, appears to be endowed with almost superhuman powers, and states of intellect, emotion, and instincts (previously latent) become developed, to the surprise of every one previously acquainted with the normal condition of the lunatic mind. In this state of morbid cerebral and mental exaltation the patient frequently manifests a talent for poetry, a knowledge of mechanics, and a power of elocution quite unusual to him, inconsistent with his education, and opposed to his healthy habits of thought. Considering these well-established facts, how absurd and unjustifiable does the verdict of *felo de se* in Villens's case appear, grounded, as it evidently was, upon the ingenuity and method manifested by Villens in the arrangements he made for successfully destroying himself! Apart altogether from the psychological view of the question, I maintain that in the majority of these cases insanity of the melancholy type will be found to precede or accompany the act of suicide. Verdicts of *felo de se* can be productive of no beneficial result. They cannot affect the wretched man who has voluntarily placed himself beyond legal jurisdiction and human punishment. It is of no moment to him whether he is interred by torchlight at midnight, dead of the night in a cross-road, or indulged in all the pomp and ceremony of a Christian burial. The penalty incurred by such a verdict falls not upon the unhappy suicide, but upon his innocent and deeply-afflicted family. Again, no rational arguments can be urged in its favour from the fact of verdicts of the kind having a deterrent effect. I am firmly convinced, that if in every case of suicide verdict of *felo de se* were returned, the statistics of self-destruction would not in the slightest degree be affected. An insane person bent upon suicide would not be deterred from the commission of the act by the fear of a disgraceful burial, and therefore it becomes the duty of

writers capable of influencing public opinion to expose the fallacious arguments so frequently urged to justify these cruel and unphilosophical verdicts."

**The Peabody Fund.**—Whilst we have to chronicle the determination of the Duke of Northumberland, not to give up his river residence for a public thoroughfare, and the opposition of Lord Southampton to furnishing a site for public baths and washhouses in Saint Pancras, it is cheering to have to refer to public munificence such as that which has been exhibited towards the metropolis by a citizen of the United States. The following correspondence, although it has been read by every one, we feel demands a permanent record in our pages. The following graceful letter has been addressed by the Queen to Mr. Peabody:—"Windsor Castle, March 28, 1866. The Queen hears that Mr. Peabody intends shortly to return to America, and she would be sorry that he should leave England without being assured by herself how deeply she appreciates the noble act of more than princely munificence by which he has sought to relieve the wants of the poorer class of her subjects residing in London. It is an act, as the Queen believes, wholly without parallel, and which will carry its best reward in the consciousness of having contributed so largely to the assistance of those who can little help themselves. The Queen would not, however, have been satisfied without giving Mr. Peabody some public mark of her sense of his munificence, and she would gladly have conferred upon him either a baronetcy or the Grand Cross of the Order of the Bath, but that she understands Mr. Peabody to feel himself debarred from accepting such distinctions. It only remains, therefore, for the Queen to give Mr. Peabody this assurance of her personal feelings, which she could further wish to mark by asking him to accept a miniature portrait of herself, which she will desire to have painted for him, and which, when finished, can either be sent to him to America, or given to him on the return which, she rejoices to hear, he meditates to the country that owes him so much." This letter has been answered by Mr. Peabody, in a letter no less courteous and graceful:—"The Palace Hotel, Buckingham-gate, London, April 3.—Madame—I feel sensibly my inability to express in adequate terms the gratification with which I have read the letter which your Majesty has done me the high honour of transmitting by the hands of Earl Russell. On the occasion which has attracted your Majesty's attention, of setting apart a portion of my property to ameliorate the condition and augment the comforts of the poor of London, I have been actuated by a deep sense of gratitude to God, who has blessed me with prosperity, and of attachment to this great country, where, under your Majesty's benign rule, I have received so much personal kindness, and enjoyed so many years of happiness. Next to the approval of my own conscience, I shall always prize the assurance which your Majesty's letter conveys to me of the approbation of the Queen of England, whose whole life has attested that her exalted station has in no degree diminished her sympathy with the humblest of her subjects. The portrait which your Majesty is graciously pleased to bestow on me I shall value as the most precious heir-

loom that I can leave in the land of my birth, where, together with the letter which your Majesty has addressed to me, it will ever be regarded as an evidence of the kindly feeling of the Queen of the United Kingdom towards a citizen of the United States.—I have the honour to be your Majesty's most obedient servant, GEORGE PEABODY. To her Majesty the Queen."—Such a correspondence belongs to the national history of the two great nations represented by our beloved Sovereign and the noble-hearted citizen of America. As to the good to be anticipated from the judicious expenditure of the sum of 250,000*l.*, which Mr. Peabody has given London, we reproduce the following remarks by a daily contemporary:—"First.—A sum of 250,000*l.*, properly laid out and managed, will produce a regular income of 12,000*l.* or 13,000*l.* a year. Therefore, when Mr. Peabody's noble donation has been entirely spent, the trustees will be in possession of an income which will enable them to lay out a further sum of 25,000*l.* every second year. In eight years as much as 100,000*l.* will thus be laid out, and the whole property will then be of the value of 350,000*l.*, yielding an income of 16,000*l.* per annum. In seven years more the aggregate may be 450,000*l.*, and the annual income upwards of 20,000*l.* per annum. Second.—But there is no reason why the good work should wait until this large annual income is actually realised. So soon as 'the Peabody Trust' has expended 100,000*l.*, and ensured an annual income of 4000*l.* or 5000*l.* per annum, a mortgage ought to be effected, to the Government, or to some of the life insurance companies, to the extent of 50,000*l.*, and thus, even in 1867, the trustees ought to feel that the capital at their command is 300,000*l.* In 1867 they might have completed buildings of the value of 100,000*l.* more, and then a second mortgage of 50,000*l.* might be effected, and thus their whole capital would be 350,000*l.* In this way, before the year 1870 had arrived the trustees might be building or completing lodging-houses of the value of 400,000*l.* Third.—It may still be demanded, however, 'What are these among so many?' Our answer would be, that when the new lodging-houses reach a certain amount or extent, they will begin to exercise a most wholesome and salutary influence over the whole dwelling-house property of the metropolis. So soon as eight thousand or ten thousand families can be well lodged in the various model lodging-houses of London, it will be found that the standard must everywhere be raised. In every part of the metropolis there will be the example of a good and wholesome dwelling. It will be possible for a workman to obtain admission to some of these houses without waiting for weeks and months, as at present, for a vacancy. The owners of cottage property, everywhere, will begin to feel the competition. They will no longer be able to command tenants for houses unfit for human habitation. The working man will begin to expect, wherever he takes his abode, tolerable ventilation, a good supply of water, and all the other appurtenances of a human habitation. The standard everywhere must rise, and the wretched undrained, unventilated houses which now breed fever in so many parts of the metropolis will be deserted, unless the owners will do their duty by their tenants. We repeat with con-



fidence, that this last gift of Mr. Peabody's appears to us to make the future of London decidedly hopeful. By the constant accruing of fresh funds, from the rental of 12,000*l.* a-year, there will arise the constant building of fresh houses, until, before 1885, there may be a sum of 25,000*l.* annually available, and a large new model lodging-house built every year. Nor can the example fail to be contagious. The Corporation of London, encouraged by the success of their recent effort, will go farther. Wealthy landowners, when they find the undertaking no longer hopeless, will begin to lend their aid. The taste, the feeling, will spread, and we may find, before a dozen years have passed over, a widespread and hearty agreement, that the working men of London, in whatever part of the metropolis they may be placed, shall be able to find, and to enter without difficulty, a well contrived, well provided, and wholesome habitation."

**The Late Mr. Brotherton.**—At the last general meeting of the Committee of the Education Aid Society of Manchester, the following resolution was passed, on the motion of Mr. J. E. Taylor, seconded by Mr. E. R. Le Mare, and supported by Mr. J. S. Mayson: "That the Committee of the Manchester and Salford Education Aid Society desire, with feelings of great sorrow, to record the sense they entertain of the heavy loss which the Society has sustained by the unexpected decease of their late honorary secretary, Mr. Edward Brotherton. The Society owes its existence to his indefatigable labours. Blessed with a most benevolent disposition, and having time at command, he devoted himself, quietly and unostentatiously, to the work of visiting the abodes of poverty and wretchedness. He made known the results of these visitations to others, and this led to the formation of the Education Aid Society. He took an active part in framing the rules of the Society, and in its general management. His catholicity of spirit, his urbanity of manners, his true humility, and his unaffected simplicity, won the confidence, the esteem, and the affection of all who were associated with him."

**Improved Homes for the Working Classes.**—A public meeting has been held at the Lambeth Baths, "to receive the report of the committee of working men appointed on the 28th November last to inquire into proposals and plans for the creation of a company, by the joint co-operation of the moneyed and the working classes, for erecting improved and cheaper dwellings for the working men in London." There was a large attendance of working men. The Marquis Townsend presided. Mr. W. H. Robinson, secretary to the committee, read the report. With respect to the kind of house accommodation required, the committee considered that houses are most wanted in situations as near as possible to the heart of the town, so as to suit those who are required, by the necessities of their daily life, to reside near their work. In the centre of the City, land for building is very difficult to be obtained, and in the near suburbs it will always be expensive. For this reason it would not pay to build small one or two-storied houses, which would be the most desirable kind of residence for work-

ing men, if they were attainable. Small houses must therefore be built far out in the suburbs, and the houses most required must, to make them remunerative, be of a loftier elevation, and be adapted for occupation in tenements. Plans and models had been submitted to the committee by the originators of the movement, which appeared to the committee to combine all that is necessary for the independence, comfort, and health of each family. The committee suggested to their fellow-men that they might profitably turn their attention to the invention of improvements in buildings of this nature. Calculations respecting the cost and rental of the buildings designed for the proposed company had been submitted to the committee, and they seemed fairly to show, that while the proposed buildings would contain no less comforts than others, they were likely to prove much cheaper in cost of erection. The committee were of opinion that while small quantities of land might from time to time be obtained enough for the company's first operations, yet, without some legislative measures, the want of large quantities of land would oblige any company for erecting improved dwellings to conduct its operations on a scale of much less magnitude than the necessities of London demand. Bearing this fact in mind, the committee recommended that the proposed company should be formed with a capital of only 100,000*l.*, which was a small sum compared with the enormous wants of London at the present time, and that power be given to the directors to increase the capital during the first year, if they should find more land procurable for building upon. At the present moment, several sites were known in South London, Westminster, and in Camden Town. With respect to the railway companies, great objections had been made to constitute those large corporations the owners of a vast amount of house property by compelling them to build improved dwellings; yet the committee observed that under the present law they were compelled to sell their surplus land within a limited period, and they suggested that, at the very least, Parliament might very properly be asked to compel the railway companies in the first place to offer such land at a fair price to any company that might be formed for the erection of improved dwellings. As to the constitution of the company, the committee stated that draft articles of association had been prepared and submitted to them which seemed to provide for the efficient working of the company. Mr. Robinson also read letters from Mr. Arthur Otway, M.P., regretting that an attack of rheumatism prevented him attending the meeting, and from Mr. Alderman Waterlow, who, although prevented from being present through a sudden domestic bereavement, transmitted some excellent advice for the promoters of the new company. From the worthy alderman's experience, and having regard to the present high price of land in suitable localities and the cost of building a permanent dividend of more than 5 or 6 per cent. could not be prudently relied upon, when some of the proposed buildings had been brought into actual existence by means of the capital subscribed by those who were most capable, from their knowledge and experience of the subject of estimating for themselves the value of the scheme, and when the

figures resulting from such an investment had been laid open to criticism. Then Alderman Waterlow went on to say there need be no hesitation in tempting workmen to invest their surplus earnings in conjunction with the class who were better able to stand the risk which must always attend first experiments. On the motion of Captain Dresser Rogers, seconded by Mr. G. T. Dexter; the report was unanimously adopted, and resolutions were passed declaring the opinion of the meeting to be that it was desirable to take immediate steps to form a company under the Limited Liability Act for the purpose of erecting improved dwelling-houses for the working classes, pledging the meeting to support such company, and appointing a committee to carry the decision of the meeting into effect.

**Mortality of British Towns and Cities in March.**—The following returns are made up from the Weekly Return of Births and Deaths in London, and twelve other large towns of the United Kingdom. We have published returns from the same source for January and February, and present the three months for comparison, as also the quarterly average :—

	March.	February.	January.	First quarter.
1. Liverpool . . .	52 . .	40 . .	43 . .	45
2. Manchester . . .	41 . .	34 . .	36 . .	37
3. Leeds . . .	38 . .	36 . .	35 . .	36
4. Salford . . .	35 . .	34 . .	33 . .	34
5. Sheffield . . .	34 . .	34 . .	33 . .	34
6. Bristol . . .	34 . .	30 . .	32 . .	32
7. Edinburgh . . .	34 . .	29 . .	27 . .	30
8. Glasgow . . .	33 . .	30 . .	31 . .	31
9. Dublin . . .	32 . .	29 . .	29 . .	30
10. Birmingham . .	30 . .	33 . .	29 . .	30
11. Newcastle . . .	30 . .	30 . .	35 . .	32
12. Hull . . .	29 . .	25 . .	29 . .	28
13. London . . .	28 . .	24 . .	23 . .	25

The deaths are arranged in this table in proportion to their numbers in March, but it will be seen that the death-rates for the quarter are similar to those of the month of March with the exception of Newcastle, which has improved its position in March, but in the quarter ought to stand equal with Bristol. It will be seen that the causes of death are very prominent in the towns of England, and with a little investigation of the Registrar's returns for those towns, the ages of those who die, the nature of their diseases, and the causes of the death might be ascertained. Before any certain measures of relief can be applied, this must be done. Let those mock at London who will, as far as the mortality of this year is concerned, it stands lowest on the list, and it is certainly worthy of the consideration of the wealthy towns of England where the mortality is so high, as to whether London is doing anything by way of sanitary activity which they can imitate. There is no question for idle contemplation. There is responsibility somewhere, and the blood of our fellow-creatures is calling aloud for immediate interference.



**Zymotic Diseases in London, in the Quarter ending March 31.**

—We give now the deaths from zymotic diseases for each month from the beginning of the year, and the total to the end of March. By such estimates an idea may be formed of the nature of the terrible march of this formidable yet preventible group of diseases :

	January.	February.	March.	Total.
Small-pox . . . . .	67	76	101	244
Measles . . . . .	171	145	244	560
Scarlet-fever . . . . .	141	150	177	468
Diphtheria . . . . .	41	45	36	122
Hooping-cough . . . . .	254	250	350	854
Typhus (including Typhus) .	281	244	311	836
Diarrhoea . . . . .	45	70	84	199
	<hr/> 1000	<hr/> 980	<hr/> 1303	<hr/> 3283

The temperature of March was 6 degs. below the average of the month; but although a possible element, it is certainly not a proved element, in the increase of zymotic diseases. Every form of these diseases, with the exception of diphtheria, were increased in March. Perhaps a better explanation is the high temperature of the two previous months. There is, however, this conclusion to be drawn, that however favourable the general rate of mortality in London, an enormous field is open for still further work in the way of sanitary reform. What the rate of death is to which we ought to reduce zymotic diseases is not yet a solved problem, but it should never be forgotten that zymotic are preventible diseases.

**Rickets's Ventilating Globe Lights.**—One of the most serious results of the civilisation of the nineteenth century has been the influence on health of the use of gas as a means of illumination. Not only has gas been introduced into our workshops, factories, and shops, but into our dwelling-houses, sitting-rooms, and bed-rooms. The splendour of its light, the comfort of its heat, and its economy, have led to this; but little or no attention is given to the fact, that it has introduced all the evils of overcrowding into establishments and dwelling-houses where they were never known before. The evil of overcrowding arises principally from the fact, that, where a large number of individuals are crowded together in a small space, they consume the oxygen of the air, and poison it with carbonic acid. This is the natural result of human life. A lighted gas-lamp does the same; it consumes oxygen, and gives out carbonic acid gas. In either case unless the foul carbonic gas is allowed to get away and fresh oxygen to come in, a poisonous atmosphere is generated. One gas-lamp of the ordinary kind consumes as much oxygen, and gives out as much carbonic acid gas, as five human beings. Thus in a room where ten individuals are dining with five gas-lamps, the latter will represent twenty-five other individuals. It is the same in our churches, chapels, theatres, places of amusements, and shops; the gas frequently consumes three times the air of the human occupants of these places, and

the results of a frightful and dangerous overcrowding are realised. This is not felt at once; but daily and hourly exposure to this influence produces indigestion, languor, poisoning of the blood, blood diseases, rheumatism, gout, scrofula, consumption, and death. To avert these evils something ought to be done. The ordinary attempts at ventilation are utterly insufficient, and people ought to be made aware of the danger they are incurring. At the same time, nothing is more demonstrable than that the burning of gas may be made the most efficient means of ventilation. The very heat it produces whilst lighting may be made to carry off the impure gas it engenders, and create a current for the introduction of pure air. A ready means of doing this for all places where gas is burned, has been invented by Mr. Rickets, whose ventilating globe light effects entirely the desirable objects we have referred to. Having had an opportunity of experiencing the effect of one of these lamps in an ordinary dining-room, we think it a duty to call the attention of our readers to this very simple and efficacious invention. The subjoined cut will give a better idea of the principle on which this lamp is constructed than any description we can give.



A. Burner, and Gas Pipe to supply the same.

B B. Pipe to carry off the foul air from the burner.

C C. Pipe to carry off the heated air of the room.

D D. Inlet for cold external fresh air.

The arrows show the direction of the currents of air when in operation.

There are many advantages to be derived from the use of this kind of gas-lamp; but what we are anxious to call public attention to is the fact, that by this arrangement all the effects of gas as an illuminator are procured, and it is actually made subservient to the ventilation and purification of the air of a room.

## PROCEEDINGS OF SOCIETIES.

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### METROPOLITAN ASSOCIATION FOR PROMOTING ADULT EDUCATION.

THE third annual meeting of this association, which now enjoys the patronage of the Prince and Princess of Wales, was held on Saturday, March 3, in the theatre of the Society of Arts. Earl Granville, the president of the association, was announced to preside, but, in consequence of his lordship having to attend a meeting of the Privy Council, the Right Honourable H. A. Bruce was moved to the chair. From the report presented, it appeared that the association has at the present time in union with it more than 100 schools or institutes, numbering about 15,000 members, of whom 1000 presented themselves last year for examination. In reference to the elementary examination, the following details for the past year are interesting: In the higher grade there were 130 candidates against 81 in the previous year; in the lower grades in the same periods there were 670 against 533. The increase in certificate-holders was not quite in proportion to the increase of candidates; this, however, is not so much owing to the fault of the candidates as to the papers set by the examiners being of too difficult a character. Care had been taken to prevent the recurrence of this mistake. In the needlework examination the hope of obtaining the Princess of Wales's prize brought up 73 candidates in 1865 against 10 in 1864. Of these 16 obtained certificates as good needlewomen, while 44 obtained passes for tolerable proficiency. In the previous year none of the 10 candidates obtained a certificate. In spite of this improvement, the committee were unable to award the much-desired prize, as no candidate fulfilled the requisite conditions in the examination of elementary knowledge. In religious examination there had been a decrease from 161 in 1864 to 131 for 1865. In sanitary science there were only three candidates. The committee deeply regretted this, and earnestly recommended the study of these subjects, as (the committee remarked) to ignorance of their simplest principles may be traced in a great measure the extravagance, dirt, disease, and immorality found in the working-man's home. The association had attained the position of metropolitan assistant to the Society of Arts in its measures for encouraging the education of adults. The number of prizes under new arrangements had during the year been largely increased. The committee regretted to state that financially the position of the association was unsatisfactory, there being a debt of upwards of 70*l.*, and urged the claims of the association to public support. On the motion of Mr. H. Chester, seconded by Sir F. Sandford, the report was unanimously adopted. Resolutions recognising the importance of



adult education, and approving of the operations of the association, were also adopted. Amongst the speakers were Sir T. Phillips, the Rev. A. B. Sutor (Bishop Designate of Nelson), Rev. Mr. Shaw, and the Rev. Mr. Oakley. The Rev. Mr. M'Kilvan (hon. secretary) and Mr. H. H. Sales (secretary) were re-elected.

#### THE SUBURBAN VILLAGE AND GENERAL DWELLINGS COMPANY, LIMITED.

The object of this new company is stated to be the useful one of providing healthy and comfortable dwellings for the population of London. Upon the existing rate of growth in population the prospectus estimates that, during the next ten years, dwelling-house accommodation will be required for six hundred thousand people; whereas, in the past year alone, upon the authority of Lord Shaftesbury, three thousand five hundred houses were destroyed in order to make room for public improvements, thus dispossessing twenty thousand people of their homes. Bills are now before Parliament for works in the metropolis, which, if carried, will involve the demolition of sixteen thousand houses, containing a hundred thousand inhabitants. This company also proposes to construct houses for the middle classes, and to purchase suburban estates with that object. The capital is 1,000,000*l.*, in 100,000 shares, of 10*l.* each, but with a first issue of 200,000*l.*

#### SOCIETY OF ARTS.

On Wednesday, March 21, Professor Leone Levi read a paper on "Deer Forests and Highland Agriculture in relation to the Supply of Food." After speaking of the destructive effects of the cattle plague, the author drew attention to the general question of the production of food in the British Islands, and the state of agriculture throughout the country. He then spoke of the thinly populated Highlands of Scotland, with their wild wood, water, and mountain scenery. He said that the landed proprietors in those districts have curiously found out that land left wild and uncultivated, and dedicated to deer and rabbits, yields the largest returns. There are now 2,000,000 acres of forests in this part of Scotland, in which the fox, wild cat, marten, polecat, weasel, and alpine hare are common. He condemned the present process of converting tillage land into sheep-walks, and recommended that endeavours should be made to reinstate an agricultural population in the country. He said that beef and mutton were of far more national value than venison, and concluded by stating "that the gross misappropriation of such land, and the great need of endeavouring to increase the production of animal food at home, are sufficient reasons for the institution of public inquiry on the subject, and that, following the precedents of commissions and committees on waste lands, it is highly desirable that a Royal Commission should be issued to inquire into the extent and character of the forests and uncultivated lands in the Highlands, and how far such lands are capable of being rendered productive for agriculture, and otherwise to report on the state of Highland agriculture, and generally on the economic condition of the people in the Highlands and Islands of Scotland."

# THE MANCHESTER MEETING OF THE NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The Local Committee appointed to make preparations for the above meeting, met on Wednesday the 11th of April, in the Town Hall, Manchester. After some formal business, Mr. Maclure, one of the Local Secretaries, announced that the magistrates of the Salford Hundred had at their quarter sessions, on the previous Monday, granted the Manchester Assize Courts for the purposes of the Association free of charge. The Rev. S. Alfred Steinthal then reported that the Executive Committee had determined to raise a guarantee fund to cover the expenses of the meeting, the fund to be at least 10,000*l.*, and read a list of subscriptions already promised, amounting to 1400*l.* Local Vice-Presidents for the meeting were then nominated, and a list of sectional local secretaries adopted. The names of the last are for the Jurisprudence Department, Mr. Unwin, *pro tem.* for the Sub-sections of International and Municipal Law, Mr. A. Aspland for Criminal Law; for the Education Department, the Rev. Mr. Kennedy, one of her Majesty's Inspectors of Schools, Mr. J. S. Mayson, the Secretary of the Education Aid Society, and Mr. G. Richardson; for the Health Department, Dr. Morgan and Mr. A. Ransome; and for the Department of Economy and Trade, Messrs. Hugh Fleming, T. Browning, and Dr. J. Watts.

## WORKING MEN'S CLUB AND INSTITUTE UNION.

The first of a series of social meetings, under the auspices of the Council of the Institute Union, was held on April the 18th, in the Lower-hall, Exeter Hall. Their object, as announced by the Council, is "the promotion of friendly social intercourse between working men and persons in other ranks of greater culture." The Earl of Lichfield, who occupied the chair, said the subject for discussion that evening was:—"How far are the disadvantages under which the working classes labour attributable to causes within or beyond their own control?" An immense improvement had taken place in the condition of the working classes during the last half century. But there was yet much—too much—to be done. He believed it was for the working classes to do most of that which remained to be done for themselves, yet he always felt a deep satisfaction, whenever he attended a meeting of the working classes, at the readiness with which they accepted any proposition on the part of others to help them with the work they had in hand. He therefore thought that those who, like himself, had worldly advantages with which the working class were not blessed, could not better occupy their time than in assisting as far as they could to elevate the condition of those below them. It was for that reason he was present. He did not pretend to say he was in a position to give them much advice, but he attended to hear what those who represented the working classes had to say on the subject for discussion. Mr. John Bainbridge, a working man, then read a paper on the question for discussion. Mr

Layard, M.P., briefly addressed the meeting. He had attended some of the meetings of the club last year, and derived great instruction from the discussions which took place, and which were carried on with calmness, good sense, and moderation. Several working men took part in the discussion, and a vote of thanks to the chairman closed the proceedings.

#### METROPOLITAN MUNICIPALITIES.

April 18, a meeting of gentlemen favourable to the principle of the bill to be introduced into the House of Commons by Mr. J. S. Mill, M.P., Mr. T. Hughes, M.P., and Mr. Tomline, M.P., for the establishment of municipal corporations within the metropolis, was held at 6, Whitehall, Mr. T. H. Walter in the chair. In the course of the proceedings it was explained that some months since, in consequence of a letter from Sir George Grey, the Home Secretary, a meeting of delegates from metropolitan parishes took place, at which it was unanimously resolved that the present unsatisfactory state of affairs rendered municipal action on the part of the metropolis highly desirable, and Mr. Mill, M.P., having subsequently intimated his entire approval of the proposal, a bill had been prepared, which that gentleman had undertaken to introduce into the House of Commons. The object of the measure was to remedy existing municipal grievances by bringing about a complete reorganisation of municipal institutions throughout the metropolis, without impairing the principle of self-government, without assailing the idea of municipal authority, without increasing the power of the State, and yet with a visible and sufficient cure for the existing conflict of authorities. Many of the persons interested had affirmed the principle of the measure, and it was now proposed to form a committee to assist the promoters in carrying it through Parliament. It was further explained that the question was entirely free of political bias, and that members of all parties regarded the movement with considerable favour. It was also stated that Dr. Farr, Mr. Horton (of the Registrar-General's Department), Mr. Hickson, and Mr. Edwin Chadwick (formerly of the Poor-law Board), had rendered valuable assistance in framing the bill, and that those gentlemen were to give evidence in favour of the measure before the parliamentary committee now inquiring into the system of metropolitan government and taxation. On the motion of Mr. Beal, seconded by Mr. Edwards, it was resolved "That a committee, with power to add to their number, be appointed."

#### THE METROPOLITAN ASSOCIATION FOR PROMOTING A MORE EFFECTUAL CONCENTRATION OF CHARITABLE EFFORTS IN LONDON AND ELSEWHERE.

Under this title an association, with the following objects in view, has been formed:—

1. The establishment of a central office in London, where reliable in-



formation relating to the various charities may be obtained, and the meeting together of persons interested in such institutions facilitated. 2. The holding of occasional conversaziones and discussions on charitable matters, at which persons of all opinions will be invited to come together, in the hope of thereby attaining more definite results than could be expected from individual efforts. 3. The occasional publication and diffusion of useful papers on the special subjects treated by the Association. 4. The communication with foreigners and others who from their position may be peculiarly enabled to furnish information on the subjects from time to time coming under the notice of the Association. 5. The promotion of a more general spirit of co-operation amongst all existing institutions of a kindred character. It has further been suggested, should the Association become sufficiently extensive, that an arrangement for an interchange of hospital tickets and other orders for charitable institutions might be effected through the agency of the Association, thereby saving to its members the time and trouble now expended in canvassing for such assistance.

It is also hoped that a reading-room in which the reports of all the charities may be filed, special publications provided for the benefit of members, and light refreshment supplied, if necessary, may be instituted in connexion with the Association. Communications are requested to be made to Messrs. Alsager Hay Hill, 5, Mitre-court, Temple, E.C. ; and George M. Hicks, Reform Club, Pall Mall, W.

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## CORRESPONDENCE.

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### AFFILIATION OF ILLEGITIMATE CHILDREN.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—Agreeing as I do generally with the suggestions contained in a paper on this subject, read on the 26th of February, and printed in your number for April, I am induced to offer a few remarks on it, showing the difficulties which beset boards of guardians and relieving officers in carrying out the existing law.

Mothers of illegitimate children can and do claim support and medical attendance during confinement, and being under no obligation to declare the paternity of their children, the father is exempted from all pecuniary responsibility, and the mother is free to return to him as soon as her health is re-established, without doing an hour's work in repayment of the cost of her maintenance; so that it is to the interest of both parties to avoid all declaration of the paternity, though it may really be no secret to any one. This process can be, and is often repeated, whenever the mother, not being wife, is with child.

In addition to this premium on illegitimate intercourse, the woman or her children, whenever suffering from illness of any kind, can claim assistance from the poor rates, notwithstanding that her paramour is in full work; whereas, if she was his wife, he could be forced to maintain her.

There are many other instances in which the inability of making legal relief dependent on character or conduct, necessarily causes it to be harsh in its general application to all but the very aged or disabled poor, and for this there seems no possible remedy but private supplementary charity, methodically carried on as in France, Germany, and some other countries. Those who exclaim most loudly at the shortcomings of legal relief to the poor are often, I fear, those least inclined to help them by any self-sacrifice on their own part.

Your obedient Servant,

A POOR-LAW GUARDIAN.

April 7, 1866.

### AMENDMENT OF THE LAW—CLERKS TO COUNTY JUSTICES.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—I observe that a bill has been brought before Parliament to restrain clerks and justices from conducting prosecutions recommended by themselves.

Ought not the principle to be carried farther, and clerks to justices be no longer paid by fees but by salaries? At all events, in cases of police or public prosecution, if levied, should be paid by the county, their cost to be repaid in whole, or in part, by fines levied from offenders, which fines, to be equal and just, should have reference to the means of the offender as well as to the nature of the offence. In any cases fine and imprisonment would be a more suitable punishment than either one.

The tendency of the present system is, that the police prefer prosecuting cases easily proved, and likely to be undefended, rather than more serious breaches of the law by persons in better circumstances, and therefore better able to defend themselves.

Venial offences by the poorest persons, which, if noticed at all, would be amply punished for by a fine of a few shillings, are, if a conviction takes place, punished in addition by a further inelastic fine of ten or twelve shillings for expenses, and this quite irrespective of the means of the offenders.

It is almost too self-evident to be worth mentioning (but that it is often overlooked) that a fine of 12s. is a very different punishment to a man earning only 9s. a week, than it is to one of ample means.

There may be a tyranny under legal forms worse than mere personal tyranny, a being more difficult to escape from, and it is noteworthy with reference to this question that the first breach of the law by the rebels in Jamaica was a refusal in open court to pay 12s. 6d. expenses in addition to a fine of 4s. imposed by a stipendiary magistrate.

Your obedient Servant,

J. P.

### NEGLECT OF SUPPORTING WIVES.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—I send you the following from a local paper, for the benefit of your correspondent, J. B.

#### FAREHAM.

Petty Sessions, Monday, 12th instant.—Present: Sir Lucius Curtis, Bart., K.C. Chairman, Sir Henry D. Chads, G.C.B., Spencer Smith, Esq., Major Wingate, and Captain Brace.

NEGLECTING TO SUPPORT A WIFE.—George Payne, of Wymering, was charged by Mr. George Ives, one of the relieving officers of the Fareham Poor-law Union, with neglecting to support his wife, whereby she had become chargeable to the parish of Wymering. The relieving officer proved the chargeability of the woman, and that she had afforded relief to her to the amount of 5s. 9d. The defendant, who worked at the new railway station at Landport, stated that he earned 2s. 6d. per day when the weather permitted him to work all day, and that it was no use to give his wife any money. He was offered the opportunity of settling the case by reimbursing the parish, and agreeing to support his wife, but he persisted that it was no use to give her any money, and was convicted and sentenced to one calendar month's imprisonment with hard labour.

Yours, &c.

March 20.

A. B.



## A FEW WORDS ABOUT CASUALS.

BY T. B. L. BAKER, ESQ., HARDWICKE COURT, GLOSTER.

THE "Night in a Workhouse" has lately run the round of the papers, and attracted much attention from high and low. Since then three articles in the March, April, and May numbers of *Temple Bar*, have given a larger and more real experience of one who, comparatively well born and educated, had sunk to the condition of a "real casual," and had been received as such in nearly every workhouse in London. These experiences have created much interest and amusement; but we cannot but feel that it is rather sad to use a description of wretchedness and depravity merely as an amusing and exciting story without attempting to improve so sad a state.

I am not going, as some gentlemen have done, to deplore extremely the great discomfort of the Lambeth Casual Ward. The bath, looking like mutton-broth, would certainly have been very unpleasant to me; but most of the casuals would have only preferred to sleep unwashed in their long-accustomed warm coating of dirt. The sack for a bed, "which put only six inches of comfortable hay between them and the stony floor," only reminds me of many a worse bed on which I have slept without rumbling; the shed, which let in, perhaps, overmuch fresh air, would have been preferable to a lack of ventilation; the stones so cold to the feet after the bath, were a needless infliction, which might have been altered at the cost of a few shillings; the bread and skilly are said to be sufficient, and the work is only so light and too easily shirked. My own feeling on first reading the harrowing account," was—"Well, for their tastes and feelings they have *now* little to complain of, and thank God for the change!" Does any one ask, what change? I reply, "The change made some six or nine months ago, *of admitting them at all*." Twelve months ago, and for many years previous, the greater number of these poor wretches were (illegally) refused either food or shelter at all. As a friend of mine said, "I often pass the workhouse doors at night, and find a crowd crouching round them. If it is a coldish night, but dry, I don't mind it; if it is wet, and there are only men, I turn my head away; I am not rich, and give all I can in other ways. But if, as I often see, there is a woman and a child, shut out there in the rain, *I can't stand it*, and have to find her a lodging which I can ill afford." This sad and illegal state of things went on for many years, and it seemed impossible to arouse public attention to the fact. Now that the grand evil has been remedied, I for one cannot find great fault, that those who for years were unwashed, unsheltered, and unfed, are now not treated in such a way as I with my habits should consider comfortable.

But if I do not agree with those who deplore the physical discomfort of the Casual Ward, neither can I agree with those who point to the bad language, the vice, and the villany of the casuals, and say that the law ought not to shelter such persons at all. One of the great boasts of England has always been, that no person within her dominions needs to starve. None has a right to claim comfortable living without earning it, if they can: such a right would be equally fatal to the prosperity of the rich and the independence of the poor; but every man good or bad, able or impotent, has a legal claim on his country for the necessities of life, in return for which the country has a legal claim on him for his best labour. Besides these claims one who is known to be of good character, but to have been reduced by misfortune, and not by his own fault, has a claim by right of religion and charity, to not only the bare necessities but the comforts of life. God forbid that such claims should ever be denied; but at the same time all private charity should be exercised with caution, lest we encourage the poor to depend on it rather than on labour; but promiscuous charity to unknown beggars is especially evil, as enticing them to enter on and continue in a life of vice.

The life of a habitual casual is indeed one most injurious to himself and society. It fosters habits of idleness and recklessness, which soon become dear to him though they appear a wretchedness to us, and which destroy the health of body and soul. One night spent in the workhouse by some poor fellow reduced to sudden and unexpected distress, will not do him or society much harm. A man who has once got drunk, *if he does not repeat it*, is, after a time, not much the worse for it. I can even tell you, that of all those who are once convicted of theft for a first time, not one in four or five is again found stealing. But habitual thieves, habitual drunkards, habitual vagrants, are all and each a curse to the country.

Now, how can such a curse be removed? This is the great question, and yet it is one which, if people will look at it steadily in the face, is surely not so hard to answer.

It is impossible, indeed, so long as human nature continues weak and frail as it is, to prevent people from going wrong once or twice. But I maintain that we can prevent a long continuance of ill doing in any way, and if we have the power it must be our duty to do so. I have, ere now, told you how a habit of theft has been checked in some classes, and how the result has been the saving of 6000 crimes per annum; but the present question is how can we check this vagrancy, which makes some 30,000 live in idleness, supported by the honest and industrious either by begging, or in the workhouse, or the gaol?

If the prevention of a habit is our object, it is clear that t



first step must be to gain a knowledge of the antecedents of those who apply for relief; the second, to take care that such relief be properly and systematically given, so that none shall be in want, none be tempted to follow an idle and evil life by the hope of more money than they could gain by honest labour. These conditions are usually considered hopeless of attainment with so irregular, so slippery a class as the vagrant; yet where there is a will, there is usually a way not far off. Surely, if we clothe and feed *all* who need it, we have a right to call upon them to show how they are living, and we must take care that they have the means of showing the truth. If they have such means, we may justly punish them if they refuse or neglect to use them.

A very simple system has been suggested, and will probably be soon in operation in one or two counties, which would answer the purpose with vagrants in country districts. Every vagrant applying for relief at a workhouse will receive a ticket stating the name he gives, a slight description of his person, the place from whence he states that he has come and that to which he is going, with, of course, the name of the union and the date. If he presents this ticket at another union twenty miles nearer his professed destination on the same evening, he will be sufficiently well fed and lodged, and allowed to proceed in the morning without doing any labour, and with a fresh ticket; but if he has no ticket, he will be required to do *four hours' work*. Of course, some discretion should be allowed to the relieving officer to receive into a workhouse any who had walked a shorter distance, but from infirmity was unable to go farther; or if a man has shown his good will by walking his distance for two or three days, he might be allowed a day to beat about the country in search of work. Other like exceptions would probably suggest themselves by experience.

Such a system would enable any man really seeking a place of work to travel any distance through England without need to beg, but would not give him time to call at every house on (or off) the road, collecting sometimes not enough to keep him, but more often far more than he would gain by honest labour. At the same time, the alternative of twenty miles of direct walking, or four hours' real work, would entirely destroy the charm of an utterly idle, dissolute life, which forms so strong a temptation and leads so many to vice. The ticket, too, showing how far a man had walked each day in the hope of work, would be some proof of his will to work, and would thus aid in getting him employment.

Such a system would also aid in our second object, namely, that we could be sure that every man should have enough, and none too much. At present, each board of guardians make



their own rules for the relief of casuals independently of each other. In the accounts of several unions which I have before me, I find the allowances to vary from three ounces of bread to sixteen. The public rarely inquire how much each union allows and if a man tells us that he has had only three ounces of bread and has walked fifteen miles, we have no evidence to contradict him, and it is hard to refuse some aid. But if it were known that *every one* might obtain at the workhouse *sufficient for his need*, and a certificate to show how far he had come, I have little doubt that most people would refuse to give to beggars of whom they knew nothing, and that this great source of temptation would be at an end. This system has been proposed to all the unions of Gloucestershire and Worcestershire. Nearly all are disposed to adopt it, but a doubt has arisen whether the Poor Law Board will permit the experiment, and the subject is now under their consideration. Some, indeed, urge that if it be adopted, it should be by the express orders of the Board, and enforced throughout England. For my own part, I am strongly opposed to this view. I believe that no new system springs Minerva-like, full grown and complete, from any head since the days of Jupiter. All require trial and testing and the various slight alterations of which experience alone can show the need. If a new code of rules were now enforced throughout the land alterations and improvements would become necessary, yet alterations of a general system are so inconvenient that we constantly continue an imperfect system rather than run the risk or trouble of a change. Were the Poor Law Board simply to permit such an experiment (which would in no degree interfere with their existing rules), if it should fail, we might return to the old system at any moment—no cost, and very little trouble, would have been expended. If it succeed, other counties would probably adopt it, various modifications would be tried, and, if necessary, a general measure might, after a time, be promulgated, based, not on theory, but experience. I feel the more confident of the wisdom of this mode of proceeding, from having watched closely and anxiously the rise of the reformatory work. In 1857 many urged strongly that a general and compulsory measure should be passed; yet I believe that of those who have watched it, there is now hardly one who does not feel thankful that voluntary efforts were allowed to make the experiment with the permission, the assistance, and under the careful supervision of the Home Office.

But it will be said that this system may answer for men travelling long distances through the country, but would not lessen the evils of the London casuals. I have little doubt however, that a nearly similar system might be applied to these. Such as are merely travelling through London from one town to another would show their tickets, and be treated

as in any other town. Those who are resident in London, if they are so destitute as to require the aid of a workhouse, could hardly complain of a day or two of detention. Let all who apply be admitted, sufficiently fed, and put to work for, say, two days, during which inquiry may be made of the truth of their story, and some place of employment may be found for them. It may be said that none will employ them. It used to be said that the newly-discharged prisoners could find no employment except with a false character, yet for more than two years the Discharged Prisoners' Aid Society has found places for every one without concealing the truth, and at least as much might be done for the able-bodied destitute. The infirm are bound to be provided for by the poor rates, and not by turning them out to beg. Whether they should be maintained in a workhouse in London or in one in the country, where space and air would be more easily procurable, would be a question of detail; but the principle that they have a legal claim on and ought to be supported by the rates, and not by beggary, is undeniable. Those who are able to work more or less have an equal right to claim the necessities of life, if they *cannot* find work by which they can earn them; but those who dispense the public funds are in duty bound not to waste them on such as could earn their support, but are too idle or careless to do so. A certain amount of treatment which will be *unpleasant to the recipient* must be coupled with the relief granted to the able-bodied, and this unpleasantness may be the less sparingly administered now, when men are scarce and labour abundant, than in 1850, when full employment could be gained by few.

But the *something unpleasant* requires a little thought and care. It must be, not a something unpleasant to you or to me, or to the "Casual" who came to Lambeth Workhouse in his brougham, but a something which will be disliked by the generality of the class of vagrants, yet will not injure them in body or mind. We must study not our own feelings, but theirs. This is no new remark, though it has been little acted on. Mr. Charles Buller, in his Minute of August, 1848, observed that "experience has shown that the roughness of lodging and the coarseness of the fare, while they inflict undesirable hardship on the really meritorious and destitute wayfarer, do not counterbalance the inducements which the certainty of sustenance and shelter" (without much labour) "holds out to the dishonest vagrant." The same may be said of any attempt to repel by harshness of manner, or hazarded accusations of idleness or falsehood. The honest man will take offence at them, and often suffer severe privations rather than endure them; the regular vagrant is used to them, and knows how to frame a clever lie, and stick to it, and obtain his end.



On the contrary, if a country vagrant be really travelling in search of work, the walking straight to his destination will be the very thing he wishes to do, and the inability to go out of his way to beg will be no hardship, if he has a sufficiency of food given him in the workhouse. But to the tramp who loves an easy, idle, careless life, the steady, straightforward walk with only workhouse fare would be *worse than work*. So, to the town casual, the discomforts of Lambeth Ward, with its nightly unlicensed language, has no terrors; but a steady two days' work, while inquiry was being made as to his past history and future place of work, would, in their own language, "take all the gilt off it," and induce them to stick to out-door work in preference to labour in the workhouse. Yet the very few honest and industrious who may be for a time out of work would not complain of two days' detention, if a place of honest labour were found them.

It may, indeed, be said that places of work could not be found for so large a number as the casual wards of London nightly contain; but it must be remembered that few of their present occupants would come there when they knew that they would be detained for two days. If any doubt this, let them read again the descriptions of the "Real Casual," in the three last numbers of *Temple Bar*, and consider what would be the probable effect of such a rule on any of the characters there described.

But the most important effect of such a system, we may hope, would be that it would check that indiscriminate charity, which, while it does so much mischief, is yet so hard to blame. So long as there is a general impression that the poor are hardly dealt with, so long will people give, and thereby encourage idleness and vice. The "Night in the Workhouse" has been, no doubt, a very godsend to the beggars, and many a shilling has been given to keep a man from the horrors of the dirty bath in the casual ward, which has helped him to get half drunk before he went to it. But if it could be shown to these truly kind and well-meaning people that every one in distress might apply to the workhouse, and be at once taken in and well fed for two days at least, or until work could be found them, I cannot but believe that most of them would—not, I trust, cease to give, but—reserve their gifts for the numerous excellent charities in so much need of support, and refrain from giving to any beggars with whose antecedents they are unacquainted.

The effects of such a change of system would be immense. Yet the change may be made without new laws, new buildings or cost of any kind; and, probably, the very simplicity and ease of its accomplishment may retard its adoption by those who believe that no good can be effected without a large outlay in bricks and mortar.



## FACTS AND FALLACIES CONNECTED WITH WORKING MEN'S CLUBS AND INSTITUTES.

BY THE REV. HENRY SOLLY.

**E**XPERIENCE in the Working Men's Club movement having furnished us during the last few years with several important facts, and a want of knowledge of those facts having led to the utterance of various mischievous fallacies on this subject, it seems desirable to place them side by side for comparison, especially as some of the latter have appeared in the speeches of leading statesmen, and in the columns of influential journals.

**FALLACY NO. 1.**—"The less that gentlemen have to do with these clubs the better." "Let gentlemen help the working men to build a club-house if necessary, and then let them withdraw themselves utterly and for ever away from the concern, and leave the artisans to manage their own affairs."

**FACT NO. 1.**—There is only one club in the country, as far as I am aware, that has been successfully established and conducted without active help from one or more persons in a rank above that of the working men themselves. A merchant, manufacturer, clergyman, lady, lawyer, doctor, tradesman, or a clerk, or other of them, has in every instance been among the principal promoters and conductors of successful clubs. By-and-by, of course, in some respects this will be very different; but, in the present early stage of the movement, no greater mistake can be made than to say, "Leave the working men to start and carry on these clubs entirely by themselves." Of course it is equally important to observe that the proportion of this higher class element must be very small. Unless a number of earnest, intelligent artisans or labourers devote themselves to establishing and working a club, or can be induced to do so, the attempt is hopeless. But if you inquire into the origin and continuance or failure of the one hundred and ninety clubs† that have been started in this country, you will find, I believe, without a single exception, that they have all flourished or failed in proportion, *among other vital elements of success*, as they have had judicious aid from a few persons of a class socially above that of the working men. This aid has often been as wisely *sought* by the operators as it is always gladly *welcomed*.

A paper read before the Social Science Association, Sheffield, October, 1865.  
Later returns give a much larger number.

enterprise are very liable to be obstructed by the formation of factions, the growth of jealousies, suspicions, and enmities of various kinds. In all these difficulties, the presence and influence of one or two men of higher position, *if they are trusted by the operatives*, is of immense value. The whole matter is, in reality, contained in the remark once made to me by a working man: "Why, Mr. Solly, we treat one another so much better when there's a gentleman among us." And surely in all this there is nothing wrong or absurd. It is simply in accordance with the great laws of Providence and of progress, operating in all ranks of society.

Furthermore, the assistance of gentlemen is often of great value, in consequence of the very little time working men have to give to the club, or of their want of business habits and experience, want of influence in securing talent and accomplishments for entertainments, concerts, penny readings, teachers for singing, elocution, literature and history classes, &c. And yet the dashing writer in what Lord Lyttelton calls the *Saturday Review* says that, after the club-house is built, the best thing the gentlefolks can do is "to withdraw themselves utterly and for ever away from the concern, and leave the artisans to manage their own affairs." You might as well expect an army to conquer without officers. The great mistake so many people make is that of not understanding that this movement for some time will be a warfare. A little experience convinces every one that the working men who are anxious to have clubs at present want the *help*, though not the *patronage*, of folks in a different sphere, and for this, I further believe, we have great reason to be thankful. The *Saturday Reviewer*, previously to the sentence last quoted, says, truly enough, that "the mutual isolation of rich and poor is beyond all things mischievous and hateful." Then let us rejoice if there are suitable and plentiful opportunities, in founding and working these clubs, for breaking down that isolation. The writer shows his knowledge of the artisans by urging that it is *not* to be broken down by attempting to make them share the same social advantages with the middle classes, or to come under the patronage and control of wealthy and quasi-benevolent persons, as the writer in the *Times* had done previously. But I hope I have said a word to show that this is a totally different thing from what is really wanted, and from what our Society has always advocated—viz. that genial respectful help which the working men thankfully accept, and numbers of the higher classes of both sexes rejoice to give. If persons in various ranks are to have any friendly intercourse, and ought to have opportunities for mutual interchange of benefits, where (apart from religious organisations) could we find better occasions for head-workers and hand-workers



to meet in kindly and useful fellowship than in establishing and working these clubs and institutes? The Reviewer unquestionably hits the bull's-eye when he protests against the attempt to get people of different ranks to enjoy together the same social advantages and meeting-rooms as a general rule (which, by-the-by, is one reason why it is totally out of the question to try and amalgamate working men's clubs and middle-class mechanics' institutions). But there are a dozen occasions every week, both in the founding and the regular operations of these clubs when established, on which gentlemen and working men *can* meet together under most favourable auspices, and with the happiest results. We can hardly expect a better mutual understanding to be cultivated between them, or much mutual benefit to be conferred, by meeting at the street corners, or even in the public-house, while there are insuperable difficulties at present in the way of persons of these different ranks visiting at each other's homes.

These, then, are the principal arguments against that misconception which is the primary support of the first fallacy—namely, that the less gentlemen have to do with these clubs the better. But the other misapprehension which nourishes that error is so closely connected with the second fallacy I desire to expose, that I will ask you now to consider

FALLACY NO. 2.—“Working men's clubs ought to be just the same as gentlemen's clubs.” “To have a good working man's club, you merely want a good house in a suitable locality. Open the doors, enrol members, appoint a committee, let every member enjoy himself as he likes, don't attempt anything else. Especially avoid anything like classes, lectures,” &c.

FACT NO. 2.—Workmen's clubs flourish best when they offer some facilities for mental improvement, and make education, in a pleasant unobtrusive way, occasionally grow out of recreation.

I said above that there were two principal misapprehensions or misconceptions which led some people to think gentlemen should have nothing to do with these working men's clubs. The first I have dealt with. The second, I said concerns their nature and purposes. See how one mistake props up another.

Lord Stanley said, truly enough, that working men want social clubs, “not schools in disguise.” But I suppose there are very few things we want in disguise, except as children, when we had to take medicine. Let me assure his lordship, and all else who may not have paid any attention to our numerous manifestoes and speeches, that we regard these clubs as *primarily*, and *essentially*, and *unalterably* founded for social intercourse and recreation, for all sorts of pleasant relaxation and amusement, free from the temptations to evil which beset other places of common resort, and from which temptations all sensible working men desire



to protect others and themselves. We believe that such recreation and relaxation and sociable chat is absolutely needful both for body and soul after a hard day's work; but we see that artisans and labourers cannot get it, or cannot get it sufficiently at their own homes in the present crowded state of their dwellings. Therefore we plead for *social* clubs. But working men want a good deal more than that, or they *need* it at all events. And if that "more" is not supplied, or if a desire for it cannot be awakened, they will not seek, or will not long continue to accept the other advantages which the clubs offer. "The spirit of Lord Brougham" (whom we have the honour of claiming as our President), so far from "hovering crushingly" over the clubs, as the *Saturday Review*, in its playful ignorance, benignly remarks has exerted precisely the contrary influence, and has invariably been of a genial and refreshing character. Had the writer merely read the report in the *Times* of his lordship's speech at our annual meeting, he would have had a more correct idea of Lord Brougham's influence in this matter. Years ago his lordship pointed out the great primary social need of working men, when he remarked that by far the larger proportion of working men go to the public-house for the company, and not for the drink. But Lord Brougham, and all of us who are engaged in this work know that working men are not children, to be always interested merely in amusement, and also that, from the mechanical nature of their employment and long hours of toil, from want of early education, of libraries, and of other advantages enjoyed by the middle and upper classes, they are in danger of sinking into the condition of machines, or beasts of burden, caring for mere animal enjoyment, from which all right-minded persons, both in their own rank and in that of others, earnestly desire and strive to deliver them. Now it is found, as a matter of fact, first, that classes and lectures, pleasantly and judiciously conducted, are very attractive; secondly, that if there are no means of mental improvement and of acquiring information at the clubs, they do not attract or retain enough of those thoughtful, steady men whose presence and interest is absolutely necessary to secure the permanence and good management of these Societies. Some men care little for the clubs if they are mere "Recreation shops."

Moreover, as I have urged at former annual meetings of this Association, unless we succeed in making the Clubs veritable societies, filling them with the corporate spirit, the spirit of brotherhood, they will never do a tithe of the good they might otherwise accomplish, and in many, if not most, cases will come to a premature end. But how can that principle of cohesion be developed unless the members are led to feel, first, an interest

in each other's well-being, and secondly, that the club is really promoting it? The men who would form the backbone and brain of the club, know that its other agencies are wholly insufficient permanently to benefit and raise their class, without something in the shape of education forming a part of its regular operations. In illustration of this vitally important point, permit me, Mr. Chairman, to quote from what I urged at the last annual meeting of the Association, when referring to the influence which the establishment of the London Working Men's College has had on the general movement for elevating working men in the social scale which characterises the present age :

"The speciality of Mr. Maurice's labours in this direction—that which makes them mark an era in the history of the working classes, and exert so deep and wide-spread an influence—is the development and application of the grand old idea of a brotherhood for the completest culture possible of its members as human beings—for *their whole development as men*. He and his friends came to the working classes, suffering as they do from their imperfect early education, and from their contracted and often deadening daily toil—came to persons, in fact, who are often reduced nearly to the condition of machines—and said, 'We want to help you, and want you to help one another, to be MEN; to attain to that humanizing culture and happiness, and to that noble, manly development of mind, and body, and spirit, for which you were created. For this purpose, we must have a true fellowship, mutual social sympathies, regular and earnest educational effort, a Bible-class, gymnasium, library, coffee-room, occasional lectures, *pirées*, and so forth. Will you work with us?' It will be sufficiently evident, I think, how this London Working Men's College, therefore, differed from all 'Mechanics' Institutions, People's Colleges, Mutual Improvement Societies, &c., that had preceded it. Its influence, which has already been felt through various ranks and in several localities, is evidently destined to increase, like most great vital forces, with the lapse of time.

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"I have said that the fellowship or brotherhood of its constitution and the completeness of its aim constituted the speciality and vital idea of a Working Men's College. But so far as the clubs are to be a permanent and powerful element in the elevation of the working classes in this country, these will form, as I have already said, *their* vital force so. You may have Reading-rooms, Night Schools, Lectures, 'Mechanics' Institutes, Mutual Improvement Societies, on the one hand, and you may have Recreation Shops, Talking and Smoking-rooms, Penny Readings, Concerts, and Free-and-Easys on the other. And you may have all or any of these combined under one roof, calling the establishment a Workmen's Hall, a Working Men's Institute, or a Working Men's Club, and the said establishment, or any of the separate agencies, will undoubtedly do more or less good while it or they con-



tinue. But to start or promote them, however useful and laudable in particular cases and as preliminary steps, is not the real work now before the social reformers and friends of the working classes of this country. That work is to help bring into being organic bodies with a living soul in each, all forming part of a larger organisation which should be filled with a yet higher vital force. You want societies, brotherhoods, inspired with the same noble idea as that which I have attributed to Working Men's Colleges, aiming at the completest culture and development of the mental, physical, and spiritual life of the members which may be possible under the given conditions, yet beginning with the humblest and simplest agencies, meeting the actual social wants of the least cultivated, while offering the means of gradually increasing cultivation as they may be willing and prepared to receive it. So far as we aim at less than this, so far as our movement fails to be inspired with this idea, all who promote it, I firmly believe, are only working for a little temporary good, and are preparing successive failures which will exert a disastrous influence on all subsequent efforts for the benefit of working men.

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"The basis of a Working Men's Club—viz., the talking and smoking-room—is simple enough, and with the recreation department will be the principal feature in it for a long time. Nevertheless, that basis may nourish and prepare for higher forms—*will do so inevitably, if the Club lives.* . . . All that I insist on is that, in securing the rudimentary, we must never lose sight of the higher and ultimate results. If you care only for certain excellent but very limited objects, or for ephemeral and feeble institutions, do not trouble yourselves about Working Men's Clubs and Institutes. Be content with Adult Night Schools, Penny Readings, or Recreation and Refreshment-rooms. If you desire to see organisations capable of permanently aiding the working classes to attain that full culture and humanizing development which we have the highest authority in maintaining they were created to enjoy, then let us ask you to accept the ideal standard now offered. We may be quite sure that the best efforts will fail to reach it fully. But, unless we have both a true and a lofty ideal, the reality accomplished will be miserably inferior, both in quality and permanence to what we should otherwise have obtained. On the other hand, the higher influences will certainly fail to reach the great mass of working men unless the humbler attractions and advantages are first offered."

May I be permitted to request eminent and thoughtful writers to give this view its due weight in their next manifestoes?

FALLACY NO. 3.—"If a club is not self-supporting, the fact simply means that, with the best intentions, its benevolent promoters have failed to answer the real wants of the working class. So urged the writer in the *Times* of August 5, 1865. Nothing can be a greater mistake. Yet thus exclaim scores of other able men. No doubt. For it is so easy to urge what all people naturally like to believe—viz. that other folks don't want a



ought not to have our assistance ; so hard to look thoroughly into the facts of a case, and to distinguish the right and wrong in a complicated question. Let us try the problem.

In reply, then, to the above fallacy, first observe—

FACT NO. 3.—Working Men's Clubs and Institutes (as I stated in an Appendix to our Annual Report last July) are not at present in general cordially welcomed or steadily supported by above 15 or 20 per cent. of the weekly wage classes. This will not surprise those who are aware of the great opposition generally made by working men to any proposal for removing their Friendly or Trade Society meetings from the public-house, even when such proposal emanates from members of their own Society. There is no doubt that the great majority of journeymen at the present day prefer the public-house, whether for business, social intercourse, or recreation, to every other accommodation that can be offered them, notwithstanding the evil consequences which generally result from an habitual resort thereto. But it must not be forgotten that this preference of the public-house is also attributed by the more intelligent working men to the unfitness for pursuits of a higher and more refined character which they consider is necessarily engendered by the excessive and protracted nature of their daily labour, and which generally leaves them in a very different mental condition from that of persons who have only seven or eight hours' work in an office. Hence it has become plain, that *for some years to come* many of these clubs and institutes ought to receive such extraneous support as we give to societies and institutions which, though greatly needed, are not at present rendered self-supporting by those for whose benefit they were established. And it should be remembered that to do this is to give aid to a certain number of hard-working men, who are doing their utmost to raise the character and tastes of their fellows, but who cannot support the whole expense of the enterprise. If the rest of their class came forward heartily as the actual members of the club do, and kept up their payments regularly, these working men would require no help from other sources. Let it never be forgotten that the general and permanent establishment of such clubs would be a great social revolution among the working classes of this country, and that, whether on a large or small scale, a work of this sort cannot be accomplished in a day, nor without a large amount of help given by those who see its importance, but who are not directly benefited by it, incalculably as they may gain indirectly. The temptations at present besetting working men in the places of public resort—which are all the greater from their want of education and crowded homes, and which have deplorably increased of late years—must not be ignored, in considering this

necessity for extraneous support to clubs, until a wider support on the part of the working men makes it unnecessary.

FALLACIES NOS. 4 AND 5 I must not enter upon now, as I find I should exceed the limits allowed me by so doing. They are these: That working men's clubs cause men to absent themselves from their homes, and that unless beer is allowed in them, they will only be fit for total abstainers. I propose glancing at both of them at the public meeting on Wednesday night.\* But I must not close without adverting to one other huge fallacy plainly stated in the *Times*, but more or less entertained by equally important personages. It is this:

FALLACY NO. 6.—“The only two things needful to its [the Club's] existence are, that the working men shall really want it, and that they must obtain it as they have obtained everything else—in the ordinary course of business, and by mutual help.”

Now, by the word “want” here, does the writer mean “need” or “desire” the club? for there is a very great difference between them. I think he means *desire* it, for he elsewhere fully admits—nay, contends, in company with Lord Stanley—that they do need it, grievously. But do we not know that people are often not aware of their needs, and by no means desire the necessary means for supplying them? Are we to refrain from offering those means until they desire them? Are we to say that a club must not be established, or cannot exist, unless a large number of working men desire to have one? Surely the desire may be awakened by presenting something to them far better and cheaper than what they now possess. If a man is asleep he cannot awake himself, but perhaps it may be possible for somebody who is very wide awake to rouse him. It would be hard that you should lose your train and your breakfast because nobody would call you when you were napping after an exhausting day's toil. Or because you have lived in unhealthy circumstances, and never had a hearty appetite, is that a reason why your friends should not get you to the sea-side or the moors, or despair of your ever relishing your food in a bracing climate? No; we certainly have to offer working men a substitute for the street-corner and the tap-room, the means of living like men, and not like beasts of burden, and must never doubt that with plenty of patient work and loving wisdom, that desire for the club will be at length awakened which will ensure its permanent prosperity. The considerations equally apply to the fallacious demand that clubs are a mistake unless they are self-supporting.

Then as to that other most extraordinary demand—viz. that

\* They have since been dealt with in two of the “Occasional Papers,” published by the Working Men's Club and Institute Union, 150, Strand, W.C. Price a halfpenny.



working men are to have a club, "they must obtain it as they have obtained everything else—in the ordinary course of business, and by mutual help." What! have working men nothing to thank other ranks of society for? Have they gained all their present blessings by purchase, or only by the help of one another? How did they get the Half-time Education system, which they feel to be so great a boon? or Sunday Schools? or Free-trade? or Savings Banks? or Penny Readings? or the one hundred and ninety Working Men's Clubs now in existence? with many other considerable privileges, certainly not obtained in the ordinary course of business, nor by themselves. Unquestionably they have gained some wonderful blessings for themselves—the Co-operative Movement and Friendly Societies, to wit; also, to some extent, the Temperance Reformation. But they owe the Limited Liability and the Industrial Societies Acts, which alone make co-operation feasible, to political economists and philanthropic M.P.s; while their Friendly societies have been unsparingly denounced as needing extirpation, and none hailed more heartily the interference of the Chancellor of the Exchequer, by a measure for taking a large portion of the business of those societies out of their hands, than the leading journal itself. Clearly the *fact* is, thank God, that working men have required, do, and long will require, the help of other classes for the establishment and maintenance of these clubs, whose existence happily does not depend solely upon the desire or ability of the artisans and labourers of Great Britain to found and support them. Mutual sympathy and mutual help between various ranks of society are the great wants of this, as they have been, I suppose, of every age. But never in the history of our country were they being more abundantly supplied than at the present day.

One word in conclusion, which is perhaps neither fact nor fallacy, also urged in my former paper:

"It is a universally-recognised and most important principle that this Union, all Working Men's Clubs, and the whole movement generally, must not only be rigidly kept free from religious or political bias, but must scrupulously avoid becoming in any shape or way organizations for promoting political or theological purposes. On the other hand, it is equally certain that when persons animated by a true Christian spirit, guided and actuated by high religious principle, devote themselves to establishing and working these clubs, there is the best chance of their having a permanent and useful career. Nay, experience is continually proving that it is impossible for them to have more than a short-lived or sickly existence, unless they do secure, in one way or other, the services of men, whether of the higher or the working classes, who will devote themselves to this work in a spirit of Christian self-sacrifice and of religious devotedness to duty—who, in the memorable words of a great man, 'will make a conscience of it.' The



benefit to those who give such help will often be incalculably greater than that which they confer, as many persons of education working in these clubs, institutes, and colleges gratefully confess; moreover, it is found, as a matter of fact, that where persons of this stamp, of either sex, do so devote themselves, in conjunction with intelligent working men, to making a club pleasant and useful to the members, and especially to promoting a spirit of genial fellowship among them, there working men not only are attracted in considerable numbers, and are retained in membership, but often thankfully find they are gaining far higher benefits than any for which they originally joined the club.

"People who have religious objects deeply at heart are entreated to remember that this movement, while abstaining from all direct religious action, powerfully promotes those conditions which are essential to religious life, and prepares men for the reception of all those influences which appeal to them as moral and spiritual beings.

"In the same way, persons who earnestly concern themselves with the political well-being of this country, are asked to observe how great an opportunity is afforded by Working Men's Clubs for laying before working men the leading facts of history and the broad principles of political philosophy and social economy. Especially they should consider the importance of the vast industrial masses of the community being imbued not only with knowledge of this kind, but also with those habits of sobriety, providence, thoughtfulness, and sympathy with other classes of society which these institutions so powerfully promote; and so become prepared for a wise exercise of the franchise, should they ever acquire it, either by the exercise of thrift or skill, by education, or by any political changes. While the Society I represent is, of course, absolutely neutral in reference to all such changes, the Council deeply feel, and would urge upon all concerned in the welfare of their common country, the importance of extending to the utmost a higher culture and improved habits among those to whom so great and serious a trust, in one way or other, may hereafter be committed."

## REVIEWS.

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 "THE ECONOMIC POSITION OF THE BRITISH  
LABOURER."\*

THERE are few social facts with which an ordinary observer of every-day life might suppose himself better acquainted, than the position occupied in the economy of English society by the British labourer. In a society made up all but exclusively of capitalists, landlords, and labourers, the position of any one of these three great classes with respect to the others, would certainly seem a matter in no way very difficult to determine, and requiring no extraordinary sagacity to estimate. A person accustomed but to look at things as he found them before his eyes and to inquire no farther, would find that the capitalists were those who employed labour, the landlords were those who furnished the materials upon which it was employed, and the labourers were those who did the work. Whether this distinction was a natural and a necessary one would be no business of his, still less to inquire if it was likely to be permanent; it would be such as he found in existence prevalent with himself, which he had continually observed in operation about him, and with which he might therefore consider himself to be sufficiently familiar. But in doing so, he would greatly over-estimate his own discernment, and greatly under-estimate the extent and difficulty of the question at issue. The position of a motive power in human affairs must not be estimated by that which it is occupying at any particular moment, but by that which it is capable of occupying, and the chances that exist of its doing so. The social system of our country is a permanent institution, and that portion of ours relating to the distribution of wealth is so far from being so, that it now retains but few traces of what it was some couple of hundred years ago, and we are probably upon the verge of a still greater and more complete change. From the more extended application of the principle of the division of labour, the old commercial system received its death-blow; from that of the co-operation of labour may be expected the downfall of our present mixed one. Every portent, every great sign and movement of the times, point continually to this fact—that the labouring population is becoming more and more conscious of its own strength and its own importance in the State, and cannot for much longer be expected to remain satisfied with the lot at present provided for it. The ordinary German, whose idea of the labouring class would be—that which

\* The Economic Position of the British Labourer. By Henry Fawcett, M.P., Fellow of Trinity Hall, and Professor of Political Economy in the University of Cambridge. Macmillan and Co., Cambridge and London.

works for hire, and no more—would have but a poor one of the real position for good or for evil that it occupies within the State, and of the great and anxious interests with which its future is indissolubly connected.

There is another class of persons besides those to whom the actual position of the British labourer is a matter of which they are wholly ignorant, or to which they are supremely indifferent, with whom, in fact, the question is no question at all, but merely a thing of common observation, and the British labourer himself simply an uncouth reality in corduroys. There is a considerable class to whom he is a type, but a type of something which only has existence in their own imaginations. With them the British labourer is an abstraction, representative of drunkenness, moral depravity, and all that is vile; or of persistent honesty, industry, temperance, and all that is virtuous; a personification, in short, of their own ideas of him, or of what he ought to be. Sometimes he is a regular demon of hard work, toiling, grinding, sweating unceasingly, and in a manner altogether superhuman; at another time he is a very monster of idleness and satiety, wasting two, three, or even four days out of the seven, and about equally lazy and improvident. The pictures issued by the Temperance and some other well-intentioned societies and individuals, of the British workman under different aspects—such as with a fondness, or with a distaste for drink—are a very fair representation of the fancy portraits which this class is in the habit of taking of him. Upon one side is represented a ruddy, well-fed, but somewhat severe-looking individual, with close-cut whiskers, figuring in a most accurately got-up costume with elaborately embroidered waistcoat, clean shirt, and a remarkably stiff collar; upon the other is a ragged, scarcely decent-looking wretch, slouching about with a battered hat and dissipated air, unshaved, unwashed, unstarched, and unreclaimed. To this class belong not only many of our public writers but not a few of our public speakers and legislators. To chronicle a discussion amongst such upon the merits and the demerits of the British labourer, is to invest him with—so to speak—more colours than the rainbow, and a greater variability of shade than that of the chameleon itself. They are all ready to account for this or that peculiarity, and to assign motives for this or that line of action, and they are all quite sure that they individually know more about him than anybody else, or than even he himself. What the feelings of a real live workman in the flesh may be upon hearing or perusing some of the treatises upon himself which are continually to be heard and read, we have often wondered, and whether he ever absolutely realises that it is he himself who is under discussion, and not some mythical personage or speculative abstraction. It might seem strange, were it not a fact so continually before our eyes, that one portion of the community should know so little really of the rest, and either should as a rule evince so little interest and curiosity in the constitution of the other.

To those of the above class, and to those belonging to the former, as well as to the labourer himself and to the public generally, the little book now lying before us is no ordinary boon. That it is by Professor



Fawcett, M.P., is a sufficient guarantee not only of its sterling philosophic worth, but also of its practical utility, and of the earnestness and philanthropy of its design. Its name, "The Economic Position of the British Labourer," precisely indicates the exact nature and extent of the information it contains, which is also that the most needed at the present day. Too long have we indulged in vapid and sentimental talk about our working classes, their necessities, and their wants; too long have we drawn upon our imaginations to supply our want of knowledge as to their true condition; the time has now come when we must descend to pure facts to seek our information, when we must meet them face to face, and must see them as they are.

The "Economic Position of the British Labourer" is a series of lectures delivered by Professor Fawcett from his chair, as Professor of Political Economy at Cambridge, to the students of that university, and afterwards published in a collected form. One glance at the table of contents shows the wide range and importance of the matter passed in review. We have here an account of the system of "Land Tenure of England," we have a description of the principle of "Co-operation," we have a chapter upon "The Causes which Regulate Wages," one upon "Trades' Unions and Strikes," and, finally, a most important and suggestive one upon "Emigration." Each of these all-engrossing subjects is handled in a masterly and exhaustive manner, and yet with so much simplicity of expression as to render them clear, even to those previously unfamiliar with the economic principles which they illustrate. It is the distinguishing merit of Professor Fawcett's book, that, while scientifically correct in every particular, it is yet so popular in conception and treatment as to require no preparatory reading for the full comprehension of all that it professes to set forth.

In his "Introductory Remarks," Professor Fawcett describes the vast increase of national wealth which has taken place in this country during the last half century, how within twenty years of it alone "our foreign trade has more than trebled," and how such cities as Liverpool, Glasgow, and other great centres of commerce have sprung up from mere villages into what they now are. This great increase of riches is no doubt matter of sincere congratulation; but, in his own words, "a very different picture is exhibited if we reflect upon the way in which this vast wealth is distributed." . . . "How is it," he asks, "that this vast production of wealth does not lead to a happier distribution? How is it that the rich seem to be constantly growing richer, whilst the poverty of the poor is not perceptibly diminished?" This is the problem the working out of which he proposes to attempt, and the solution of which he expects to find in the more due appreciation and more full application of the laws of political economy to the conditions of modern society.

The first great question—that of the tenure of land—is one with which the public is, or, at all events, ought to be, pretty familiar by this time, through the medium of the many debates and pamphlets upon the Irish question which of late have been even unusually numerous. It mainly resolves itself into the comparative advantages of small and

large holdings, first to the State, and afterwards to the individual. On both of these points there has been much discussion and great difference of opinion, even among scientific men, since the days of Arthur Young, who gave his decision in favour of the present system. Professor Fawcett is of opinion that little is gained in wealth by the larger system of farming, and that whatever is, is more than compensated by the injustice and absolute wrong done to the rest of the community in the monopolising the soil by a few, and the shutting out others from the sharing and enjoying a gift of Nature. He finds that in countries where peasant proprietorship is the custom, the community, taken in the aggregate, is seldom less wealthy, while individuals are invariably more equally so, as well as more provident, contented, and industrious. He finds that the possession of land, so far from being an encouragement to over-population, has rather an opposite effect, especially when combined with laws of inheritance in which primogeniture is unrecognised. These laws of inheritance are, of course, cognate to the subject, for through them it is that immense estates are transmitted intact, or are divided into portions, according to circumstances. Professor Fawcett is decidedly against the laws of primogeniture and entail, either on the grounds of social justice or of economic expediency. The result of the system of land tenure now existing in England, Professor Fawcett summarises as bad as a system of agricultural economy, but particularly hard upon the labourers, who are robbed by it of all interest in the land which they till. To it he ascribes much of the recklessness and improvidence with which they are so often charged, for, as he very feelingly and pertinently remarks, "Can we suppose that self-denial and prudence will be practised by those who feel that they cannot descend to much greater poverty, and who also cannot see definitely placed before them any real hope of raising their condition? How rapidly," he adds, "would the character of this portion of our population be changed if a man could say, 'A few years of steady industry accompanied with prudence, will enable me to save sufficient to purchase a plot of ground, and thus own the soil which I cultivate!'"

The following chapter gives us not only a description of the principle of Co-operation, but also a history of some of the most successful co-operative movements, both at home and abroad. It is full of instructive matter, and of the deepest interest at the present time. To the development of this principle, and to its more general application to industrial undertakings, Professor Fawcett looks forward for greatly benefiting the labouring classes, and eventually for the subversion perhaps, of all other systems of commercial enterprise. In this opinion he but follows Mr. J. Stuart Mill, of whom, we feel perfectly satisfied, he will not consider it otherwise than an honour to be accounted a disciple.

But perhaps the best chapter in the whole book is that upon "The Causes which Regulate Wages." Nothing so simple, so clear, and so convincing as this it has ever been our fate to read upon the same subject. It is generally imagined that the subject of wages, connected as it is with the theory of capital, of supply and demand, of value and



price, together with most other of the elementary propositions of political economy, is one of more than ordinary difficulty to those not specially educated for its comprehension; and we confess that up to the time of reading Professor Fawcett's book it certainly did seem so to us. But it does so no longer. We defy, we absolutely defy, any one, with the most ordinary understanding and with the very commonest reasoning faculties, to arise from the perusal of this chapter without a clear comprehension of the fundamental principles which, in the long run, determine every contract of hiring that is made, and prescribe what we shall pay for the clothes which we wear and for the food which we put into our mouths. We can conceive nothing more calculated to be of service both to employers and employed, and to soften mutual asperities by showing them how dependent the one are upon the other, and how small a part really individual caprice or injustice ever has in the hardships which either are occasionally called on to endure, than the perusal of this chapter, in which theory and practice are so admirably blended together that the one naturally illustrates the other without any apparent artifice upon the part of the writer whatever. Following naturally upon the discussion of the subject of Wages, comes that of "Trades' Unions and Strikes," into which Professor Fawcett enters fully. There can be very little doubt that these combinations of working men are in the main as advantageous to national industry as to the workmen themselves, and are a wholesome set-off to the tacit understanding which, as has often been shown, always exists, more or less, amongst the employers of labour. That the trades' unionists are sometimes guilty of tyranny in seeking to coerce others into their ranks, is unfortunately a fact proved, but it is a sufficient answer to this objection to them to say, that no human institution has ever been found which has been productive of unmixed good, and that it is rather unfair, therefore, to expect to find such resulting from the combination of simple workmen; moreover, as Professor Fawcett says, this is a blot upon the system which is fast diminishing.

The volume ends with a very remarkable chapter upon Emigration, a subject of great and growing consequence at the present day. The facts adduced and the suggestions offered are worthy of the most grave and earnest attention. Hitherto we have all looked upon emigration as a species of national safety-valve, through which our surplus population escaped, thus avoiding the danger of too great a strain upon the means of subsistence in this country. Emigration has met with governmental encouragement, and we have congratulated ourselves upon the number that have gone to enrich other lands with their labour, and yet not to leave ours one whit the poorer. It has seemed to us that, in this, everyone has been a gainer; both those who went to more fertile lands, and those who stayed at home to enjoy the increased blessings of their own. But—as is most usually the case—while pursuing our great panacea with all might and main, we wholly omitted to observe what was pursuing us. While colonising almost every other quarter of the globe, it never occurred to us to reflect upon the con-



sequences, supposing the inhabitants of some one of these quarters should take it into their heads to commence colonising us! There are parts of the world where the population is even more redundant than in our country; what if a great immigration should set in from these parts, underbid our labouring population, and greatly lower the rate of wages? It would only remain then for the labouring population of Great Britain to emigrate *en masse*, and these islands would become the home of an alien and inferior race.

We have thus briefly gone over the ground traversed by Professor Fawcett, rather with a view of indicating the real and solid merits of his work, than in the way of criticism. If we were to give an opinion adverse to any portion of it, it would be upon the unnecessary length of the second chapter we should first direct our strictures, and next to the histories of the various co-operative movements given in the third. Professor Fawcett is well aware, as must also have been most of his listeners, that those which he instances are rather more than tolerable well-known cases, and that there is one great work, at all events, from which they might have been copied verbatim. But no such petty blemishes as these—if blemishes, indeed, they deserve to be accounted—can lower the great value of a book so generous in design and so able in execution. There is not one man in England, of whatever acquirements, or station, or party, who could not read it with advantage, still less is there one who professes to legislate for his fellow-men. Let us hope that after this we shall hear no more polished humbug upon the subject of our labouring classes; but that those who are really desirous of understanding them and their position, will avail themselves of the very simple expedient of reading Professor Fawcett's book.

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## BRIEF NOTICES OF BOOKS AND PAPERS.

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*The First Report of the Commissioners appointed to inquire into the best means of preventing the Pollution of Rivers (River Thames). Vol. I.*

In the month of May last year, instructions were given to Mr. Rawlinson, C. J. T. Harrison, Esq., and Professor J. T. Way, Esq., as Commissioners, to inquire into the widespread and serious pollution of rivers, both by town sewage and the refuse of mines and manufactories. It was suggested that the inquiry should include certain selected river basins, with different classes of industrial employments and populations within their range, so as to illustrate their condition as affected by mills, weirs, and locks, as well as by the drainage of the towns and villages and adjacent lands. The river basins selected are those of the Thames Valley, the Mersey Valley, the Aine and Calder basin, the Severn basin, the Taff Valley, and a river basin in Cornwall. These districts all represent various and different kinds of industries carried on in their respective localities, and the object of these investigations is to show how the health and comfort of individuals and public interests may be best protected by new arrangements for keeping out of running streams the refuse and discharge of sewers, and the possibility of intercepting and rendering useful or innocuous the sources of pollution. At the representation of C. Neate, Esq., M.P., the Commissioners were requested still further to extend their inquiries into the great question of water supply; how far the level of springs in the country has been lowered, how it depends upon the height at which the water is maintained in the neighbouring rivers, what springs have altogether failed, or failed during the summer. Mr. Neate believes that water in reservoirs should be used for drinking purposes alone, and

that spring water be kept for that purpose, and that surface drainage of towns should be kept out of sewers and taken into rivers. The Report before us relates to the Thames, on which evidence and personal inspection have been given over an area of 5162 square miles. The Thames Conservancy Board and its powers over the commercial interests of the river are fully detailed. The alkaline liquor, as refuse from paper-making, is one form of pollution on which the Commissioners throw light and suggest remedies.

Land-flooding arising from weirs used for mills and fisheries is a grievance proposed to be remedied, and also floods occasioned by the injury to the channel from the neglect of dredging.

The conclusions and recommendations of the Commissioners are of a very practical nature, amongst which may be mentioned the following: That the river is fouled by sewage from towns and villages on the banks, refuse from paper-mills, tanneries, floating carcasses of animals, &c.; that the Thames Commission, as now constituted, is far too numerous for its efficient working, and that it would be desirable for the Thames Conservancy in future to represent the local interest by persons elected for that purpose; that, after a period to be allowed for altering existing arrangements, it be made unlawful for any sewage (unless passed over land so as to become purified), or the refuse of paper-mills and other works, to be cast into the Thames, and any person offending made liable to penalties; that the Conservators of the Thames have power to inspect works, close the outlets of sewers and drains into the river within the limits prescribed. It is suggested that the rights of private persons to take tolls at locks for the navigation be abolished, that the rights in property on all weirs and locks be invested in the Conservators, who should be also liable to maintain them. The Conservators of the Thames are also to have power to levy on all waterworks on the navigation of the river, to borrow money for public works, for making embankments, and other improvements needful to carry out the drainage of the river. One of the Commissioners (Mr. S. T. Harrison) makes an additional recommendation, viz., that a local tax upon houses and lands within a few miles of either margin of the Thames be levied, the local limits of such tax and the maximum rate in any one year to be settled by Parliament.

The maps and plans belonging to this report, in the appendix, are valuable and interesting to sanitary and hydraulic engineers; the report itself and minutes of evidence is one of the most useful that has been laid before the public, and will be considered a basis for immediate legislation on sewage irrigation, water supply, and other plans contemplated for the improvements and preservation of public health.

*Notes on Epidemics, for the Use of the Public.* By F. E. ANSTIE, M.D., &c., Senior Assistant-Physician to the Westminster Hospital. Jackson, Walford, and Hodder.

This little work appeals to the public to waken up the neglected powers of local self-government, urging the necessity of our large towns being put into a better sanitary condition, but mainly trusting to Parliament and national efforts to meet the evils that accompany our present stage of civilisation. Dr. Anstie properly shows that the growth of infectious diseases is not a mere matter of local and personal interest to those who live in the "low slums," but that bad sanitary arrangements affect the rich at the present moment to a serious extent. In this work a large amount of useful popular knowledge respecting the zymotic diseases, typhus, typhoid fevers, scarlatina, measles, small-pox, influenza, whooping-cough, &c., makes this work useful, at a time when preventive measures should be taken, as epidemics are rife, and cholera threatening.

## MONTHLY CHRONICLE.

**Mortality of Cities in Great Britain in the Month of April.**—The following table is drawn up from the Registrar-General's "Weekly Return of Births and Deaths in London." The deaths are given at the rate of the numbers who die in a thousand of the population in the course of a year, provided the death-rate continues the same :

1. Liverpool . . . . .	39 in 1000
2. Salford . . . . .	37 "
3. Glasgow . . . . .	36 "
4. Manchester . . . . .	35 "
5. Leeds . . . . .	33 "
6. Sheffield . . . . .	30 "
7. Newcastle . . . . .	29 "
8. Bristol . . . . .	29 "
9. Birmingham . . . . .	28 "
10. Dublin . . . . .	28 "
11. Edinburgh . . . . .	27 "
12. Hull . . . . .	26 "
13. London . . . . .	26 "

It will be observed that since the commencement of the year two cities have maintained the same position. Liverpool has the highest death-rate, and London the lowest. In spite of all that is urged against London vestries, it is highly creditable to them that London mortality is so low. Next to Liverpool, the sanitary state of Salford, Manchester, Glasgow, Leeds, and Sheffield ought to occupy the attention of the local authorities. Their death-rates represent an amount of removal suffering which, could it be seen in detail, would alarm the stoutest heart, and make men blush to think they should live amidst so much unnecessary pain and suffering without making a single effort to prevent or palliate it. Whilst these tables of the mortality of our large towns are read, it should be remembered that the average mortality of the rural districts of England is 17 in 1000, and that in towns where sanitary arrangements are carried out present as low a mortality as this. Even this is a death-rate inclusive of diseases which might be altogether prevented, and no community in the kingdom is justified in allowing the above enormous death-rates to go on without making every effort to arrest them. We would earnestly call the attention of the ministers of religion to the duty of awakening the minds of their hearers to the responsibility they incur in not making some efforts to arrest the fearful mortality of our great towns. The appeal is as much required now as of old : "My people perish and there is none to consider."



**Zymotic Diseases in London in April.**—The following is the result of the returns of zymotic diseases for London during the month of April:

Small-pox . . . . .	112
Measles . . . . .	236
Scarlet fever . . . . .	92
Diphtheria . . . . .	26
Whooping-cough . . . . .	351
Typhus (including typhoid) . . . . .	228
Diarrhœa . . . . .	57

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The average temperature of the month was  $2.4^{\circ}$  above the average. The average number of these diseases for the first three months of the year was 1096. The number of deaths in April is thus seen to be in excess of the average. Small-pox is evidently gaining ground, the numbers being—January, 67; February, 76; March, 101; April, 112. Scarlet fever shows a remarkable decrease, whilst typhus and diarrhœa present the lowest number of the year. The figures would seem to indicate that we are about again to experience an epidemic of small-pox. This is very disgraceful to London, as it shows how utterly inefficient are all measures hitherto adopted for the vaccination of the people. In four months, in London alone, 356 people have lost their lives by this noxious disease, and upwards of 7000 persons have been attacked and recovered. In order to recognise the enormity of the recklessness by which alone this life has been sacrificed and this suffering produced, it should be recollected that the occurrence of small-pox is more easily prevented than accidents on railways. Suppose for one moment that 356 lives had been sacrificed on the lines of railway in the metropolis alone in three months, and that 7000 accidents in addition had occurred, would not all London have been indignant and clamouring at the doors of the Legislature for aid? Why should they submit to small-pox? Will the time ever come when decent, respectable, religious Englishmen, boasting of their civilisation, will see that by submitting to this state of things they are justly exposing themselves to the charge of semi-barbarism and an indifference to the interests and welfare of their fellow-creatures utterly inconsistent with the duties of humanity, to say nothing of Christianity?

**County Coroners' Salaries.**—According to an Act of Parliament passed in 1861, county coroners are paid an annual salary according to the number of inquests they have held in the past five years. According to the same Act, a revision of the salary is to be made every five years, according to the number of inquests held. The first five years having expired in 1865, the Middlesex coroners have applied for an increase of salary. The subject of the revision of the salary having been referred to a committee, of which Mr. Edward W. Cox was chairman, he has published a report, in which, after referring certain questions to Mr. Edward James, Q.C., and obtained his opinion, they add: "They came, very reluctantly, to the conclusion that the law was clear, and

that the county must submit to the burden thus imposed upon it as respects the basing of the salaries for the next five years upon the inquests holden during the last five years, but they were unanimously of opinion that no claim for possible prospective increase, nor for past increase of inquests, should be entertained." And after calculating the future salaries of the several coroners, they concluded by saying: "Your committee cannot close their report without expressing the strong objections they feel to the payment of judicial services by a fixed fee for each case, and especially where it is in the power of the judge to increase or diminish the number of cases almost at his own pleasure, and without any practical safeguard being provided against unnecessary inquiries. It is not fair to the judge himself that such an inducement should be offered to him to hold needless inquests, or that he should be exposed even to the suspicion of doing so. It is unjust to the ratepayers, for it imposes upon them a burden regulated almost by caprice, and from which they have no appeal. It is contrary to the practice of the entire judicial system of the country, which pays the judges a fixed salary, not measured by the number of cases adjudicated, the country thereby retaining their entire services. Nor does it appear to your committee that the office of coroner is one entitled to an endowment considerably greater than that allotted to a county court judge or a police magistrate. This appears to your committee to be the more unjust, because the coroner is now permitted to perform much of his work by deputy, the result of which is, that while the county pays to the coroner a handsome fee for each inquest, because it is assumed that a man of superior attainments is required for the office and should be paid accordingly, in practice a large proportion of the inquests are held by the deputies, who receive only a small proportion of the fees actually paid by the county to the coroner for holding those inquests, and your committee submit to the court, that if fit men can be found to act as deputies and hold inquests at the lesser fee, the ratepayers should reap the benefit, and proportionately lessened salaries be paid to the coroners. Your committee therefore recommend the consideration by the court of the propriety of endeavouring to procure an alteration in the existing law that regulates the payment of coroners with a view to the substitution of fixed salaries. And inasmuch as complaint was made, not without justice, of the rapid increase in the amount of labour consequent upon the increased population, your committee would recommend that, at the earliest opportunity, there be made a further sub-division of the districts." The following is a copy of the questions submitted and Counsel's reply: "Your opinion on behalf of the justices is, therefore, requested: 1st. Whether it is imperative on the justices to revise or to concur with the coroners in revising and increasing their salaries, and, if the justices should decline to do so, whether that would be such a 'disagreement' as would entitle the coroners to appeal to the Home Secretary? 2nd. If you shall be of opinion that it is imperative on the justices to concur with the coroners in the revision, then whether it is imperative upon the justices to increase the salaries in proportion to the average number of inquest



held during the past five years, and at the same rate per inquest as before—that is to say, at the rate of 1*l.* 6*s.* 8*d.* per inquest, besides mileage; or whether it is competent to the justices to estimate the salary at a lesser rate of allowance per inquest than 1*l.* 6*s.* 8*d.*, on the ground; as the fact is, that the labour does not increase in proportion to the number of inquests, or in what other manner should the proposed salaries be ascertained? 3rd. Whether, having reference to the words ‘such coroner,’ and ‘after the lapse of every successive period of five years’ in Section 4, the coroners for the Central and Western districts, who were appointed and the offices and salaries divided three years ago, can now claim to have such salaries revised, three years only having elapsed from the date of their appointments, but five years from the date of the original settlement of the salaries of the then coroners of Middlesex? 4th. Whether the provision with respect to the calculation of salaries in section 4 is applicable to coroners elected since the Statute in reference to the words ‘in the case of any person holding the office, &c., *at the time of the passing of this Act, &c.*,’ in Section 4. 5th. To advise the justices generally what course it is incumbent upon them to pursue in respect of the claims now made?”

“1st. I am of opinion that the Legislature intended, having regard as well to the interests of the coroners as to those of the ratepayers, to require a revision of the salary after the lapse of every successive five years; and that the Court of Queen’s Bench would, in case of an application for a mandamus to compel the justices to proceed to a revision, construe the words ‘it shall be lawful’ as imperative on the justices according to a principle of construction often adopted in similar cases. I am of this opinion, notwithstanding the use of the additional words *and he is required,*’ when referring to the appeal to the Home Secretary, seems to show that the Legislature knew well how to apply words of Act when they intended to make a provision *peremptorily*. I must therefore answer the first branch of the first question in the affirmative. It may be doubtful whether the ‘declining’ of the justices to concur in such revision would be sufficient to enable the coroner to appeal; but that would be got over by an application to the Court of Queen’s Bench. 2nd. I see nothing in the Statute enabling the justices to do more than to have ‘regard to the average number of inquests held by such coroner’ (which I read as meaning the coroner for the time being during the five years), and the amount shown by multiplying such average by the sum of 1*l.* 6*s.* 8*d.* 3rd. I am of opinion that the present coroners are entitled to have a revision, notwithstanding they have held office for less than five years; I am clearly of opinion that the Legislature contemplated that there should absolutely be a revision after the lapse of every successive five years. 4th. It is obvious that the provision alluded to cannot apply to persons elected since the passing of the Act. 5th. My advice is that the justices should concur in revising the salary, having regard to what I have above written.—(Signed) EDWARD JAMES, 3, Paper-buildings, Temple.—27th February, 1866.” With regard to the second question of this reply, it is to be observed that the law, by not providing for the pros-



pective increase of inquests, actually gives the coroner a far less sum than it had previously provided should be paid for each inquest. This arises more especially in the county of Middlesex, where the increase of population is so rapid that a payment based on the previous five years, so far from reaching 1*l.* 6*s.* 8*d.* for each inquest, does not reach the cost of 1*l.* per inquest. In the framing the Act for the payment of coroners by salary, such a large reduction of their income was not contemplated, and as the Secretary of State has the power of revising the salaries proposed by the county magistrates, it is to be hoped that Sir George Grey will not be less liberal than his predecessor, Sir George Cornwall Lewis, who, in the case of the two coroners for Middlesex, Mr. Wakley and Mr. Humphreys, when the Act first came into operation in 1861, increased their salaries on account of the prospective increase of the population in their respective districts.

**Mr. J. S. Mill on Government Loans for Labourers' Dwellings.**—The following letter was read at a recent meeting of the Town Council of Liverpool, called for the purpose of discussing the subject of erecting dwelling-houses for the working classes:—"Avignon, April 4, 1866. Dear Sir,—The supposition that I approve of the bill empowering Government to make loans for the improvement of the working classes is quite correct. If I thought that such a measure would injure the independence of the working classes, or encourage their improvidence, I should strenuously oppose it; but the case seems to be one of a class of cases in which people require artificial help to enable them afterwards to help themselves. The taste for better house accommodation has still to be created, and until it is created private speculation will not be able to find its account in supplying the improved accommodation. The hand of Government is often useful, and sometimes necessary, to start improved systems, which once started are able to keep themselves going without further help. I support loans from the public for the purpose in question (which is still more important morally than even physically), as I would support similar loans for the purpose of creating peasant proprietors, or (if necessary for the purpose) in aid of colonisation. I think, however, that the loans ought not to be accessible only to town councils, but also to building companies, or private capitalists under strict conditions, and on proper security, and the bill introduced by the Government gives, I believe the power of making such advances.—I am, Sir, yours very faithfully J. S. MILL."

**The Roads in the Metropolis.**—Few people not acquainted with London can have any idea of the disgraceful condition of the roads in the suburban districts of London. Streets are allowed to be built, and there is no authority exercised with regard to the making of the roads. The vestries seem to think that they are doing a great public duty by not undertaking to pave and repair roads until the outcry of the inhabitants is so great that they cannot resist. It is more especially in those parishes of the metropolis where new buildings are most rapidly

erected, that this neglect takes place. Amongst these parishes, Islington, St. Pancras, and Hampstead, are most prominent. That this neglect of the roads is directly opposed to the wishes of the ratepayers, is seen by the fact that in many districts meetings have been called to urge upon the vestries the necessity of at once putting the roads in proper repair. On Tuesday, the 15th of May, a meeting was held in the parish of Islington, for the purpose of considering the best means of improving the condition of the roads, and resolutions were passed pledging the meeting to use their best exertions for sending men to the vestry who would take into their consideration the real interest of the ratepayers. In many parts of the parishes of Hampstead and St. Pancras whole districts with thousands of inhabitants are utterly impassable with carriage traffic from the disgraceful state of the roads. Accidents are very frequent, and life is occasionally sacrificed by this negligent system; no notices are given, and no barriers are placed against these unsafe roads, and thus ignorant travellers are betrayed into sloughs and débris, which often lead to most serious consequences. Nor is there any remedy for this state of things. The law does not compel vestries to make roads, and these bodies seem to delight in maintaining the annoyance of a bad road as long as they possibly can. There must at the present time be hundreds of miles of road in the neighbourhood of the metropolis, with houses on both sides, which are utterly unsafe for any kind of vehicle to travel. We might hope for some improvement, if the ratepayers had the remotest conception that the remedy lay in their hands; but the ratepayer of London is a man who has deliberately abandoned his right to interfere in the management of his parish, and who will join in any amount of *clinking* against the incapacity of vestries, but who will not make the lightest effort either to go into vestry himself, or put there those men whom he knows would manage the parish affairs best. Such men are paving the way for a system of centralisation, which, when it operates in full force, will show them that there are no institutions in the world so effective for public good as the municipal institutions of their own country, when worked by men who can see that their own interest is best served by seeking to serve that of their neighbours.

**Vaccination.**—The committee on the new Vaccination Act has not yet terminated its labours. Between two parties, they will have some difficulty in passing an acceptable Act of Parliament. On the one hand, there are a set of fierce, rabid people, who, led on by ignorant professors of medical science, maintain that vaccination, if not an evil, is, at least, a questionable good; and that to compel people to be vaccinated, is to interfere with civil liberty, and the brutish right of every man to be allowed to do all the harm to his neighbours that he pleases. On the other hand, there is a growing party in the State who feel that to leave the administration of sanitary laws in the hands of boards of guardians and vestries, is, in a great measure, to leave natural laws to their own course, and expose man to all the consequences of his own ignorance and foolhardiness. To steer a middle course is evidently the aim of the Government, and thus to secure the maximum amount



of good that is possible. There are not, however, wanting indications that all through society there is a profound misgiving of the principle of leaving to municipal bodies the question of public health. In every direction this is found to fail, and no intelligent opposition would be met with by the Government in adopting the severest measures that could be carried out by the central Government for averting the appalling sacrifice of life that annually occurs from such a disease as small-pox. If two thousand lives were annually sacrificed by the railway companies without any efforts being made to prevent it, the country would rise as one man and insist on the Government taking a high hand with those who thus carelessly sacrificed the lives of their fellow-creatures. So it is with boards of guardians and small-pox. The spirit of Englishmen rebels at the thought that the lives of their countrymen are to be sacrificed at the shrine of any political idol, and rather than allow this destruction of life, would see the destruction of any political institution which they have hitherto regarded as good. If local government fails to stay the destroyer, then they are willing to submit to centralisation. The safety of the people must be the first principle to guide the action of every true patriot.

**Small-pox.**—One of the most disgraceful diseases to which Englishmen submit is small-pox. To the honour and glory of this country Dr. Jenner discovered the means of preventing small-pox, and in many countries on the Continent of Europe this disease is unknown, but in England it is more prevalent than in any other civilised country in the world. This arises from two causes. First, from the utterly inefficient manner in which vaccination is enforced; and second, from the entire want of supervision when the disease breaks out. With regard to the latter cause of the spread of the disease, it will be found that little or no precaution is taken to prevent the spread of the disease when it breaks out. In London there is a Small-pox Hospital, but it is utterly insufficient for the wants of the population. It constantly happens that this hospital is full, and that patients are refused admittance. The patients are taken in cabs, which are allowed to ply for hire directly after they have taken persons to the Small-pox Hospital and back. When patients are refused, they return to the midst of their wretched houses to spread the disease in every direction. The Saint Pancras Vestry in London have taken this truly alarming state of things into consideration. We would suggest that the vestries of London should at once subscribe and build a separate Small-pox Hospital for themselves, or insist on the present hospital being enlarged to meet the necessities of any outbreak of small-pox in the metropolis.

**Scottish Registrar-General's Report.**—The Registrar-General's report for the first quarter of the year 1866 states that the births registered in Scotland were 28,876 in number, and the marriages (5627) were much above the average. The number and ratio of marriages have been steadily increasing for the last three years, and the births have very naturally followed suit. The births were at the annual rate of 366 in every 10,000 of the estimated population, the proportion in



England in the same quarter being 377; the marriages were at the annual rate of 71 in every 10,000 persons, or one marriage in every 140 persons. The continued increase of marriages speaks well for the general prosperity of the country; and as the number of emigrants from Scotland to foreign parts is diminishing in nearly the same proportion, it may be inferred that the population are finding a better market for their labour at home than they have done. 10.8 per cent. of the births of the quarter were illegitimate; in the rural districts a higher proportion—in the county of Aberdeen, 18.1 per cent.; Dumfriesshire, 18.2; Elginshire, 19.1. The deaths (19,075) were slightly under the average. The annual ratio was 242 in every 10,000 of the estimated population; in England it was 265. As in England, so in Scotland, the real winter was from the middle of February to the middle of March, or rather later. During the period, many aged persons died without apparent disease. Typhoid and typhus fever, which has been more or less epidemic in Scotland since October, 1863, though very prevalent during the past quarter, seems to be now dying out with the advent of the milder weather. Diphtheria appears to be on the increase. Diarrhoea was more than usually prevalent in the quarter, and in some few instances seemed even to put on the epidemic form. This should be taken as a warning that the choleraic atmosphere, or whatever else it be which induces that disease, is approaching, and may be expected to manifest itself as the heat of the sun becomes more powerful. One enemy of life, however, is being repulsed. The new Vaccination Act is working well upon the whole, notwithstanding some deficiencies. The registrar of Bridgeton (Glasgow), a district with a population of nearly 50,000, notes that in 1863 he had 31 deaths from small-pox, and in 1864 23, but all of them before the Act had got thoroughly into operation; in the whole of 1865 this terrible disease was fatal in only one instance, and in the first quarter of 1866 not one. In that quarter this registrar had the distinction of registering a death at the age of 102, the death of a soldier's widow. The mean temperature of the quarter, the average of 55 stations, was 45 degrees. The rainfall averaged 12.97 in., 3.57 in. above the average of the preceding ten years.

**Botanical Congress.**—One of the notable occurrences of the past month was the International Flower Show, at South Kensington. This show, it appears, was got up in the interest of the Horticultural Gardens at Kensington. The Botanical Congress, it appears, was an appendage of this show; but why the two were put together it does not exactly appear. It is very certain, however, that the botanists of Great Britain have had very little to do with the matter. There has been a banquet of the botanists in the City, but we fail to discover that any British botanists were there. The only man laying any claim to the character of a botanist who spoke at the banquet, was M. Alphonse Candolle, the son of the celebrated Augustin Pyrame de Candolle, whom the newspapers ludicrously enough confound with his celebrated father. He is accompanied on this occasion by certain distinguished foreign gardeners, but we miss altogether at the Botanical Congress

the names of distinguished botanists, either foreign or British. The fact is, whilst the International Flower Show was a good idea, the attempt to attach a Botanical Congress to its tail has been altogether a failure, and even the ghost of A. P. de Candolle has not been able to give to it any scientific importance. The Flower Show itself was remarkable for its extent, and, perhaps, there never were so many fine plants brought together in so limited a space. At the same time, its international character has been altogether a myth. Nine-tenths of the plants, if not more, were contributed by English gardeners, and there was nothing more to be seen, as to variety, than is to be seen at every English Flower Show. The encouragement of horticulture amongst the working classes of England is a most important social object, and we should have been glad to have seen anything like encouragement given at this show to the cottage and window gardening, of which London and its suburbs are capable. As far as the show just over goes, it is a grand advertisement for our great gardeners, and a little more. Neither the science of botany or the extension of horticulture amongst the people, have been advanced by the exhibition. One great good object, however, has been obtained, and that is the sight of this wonderful exhibition of beautiful plants at the low charge of one shilling. We hope that thousands and tens of thousands of the hard-worked poor of the metropolis may have had their eyes gladdened by looking on this rich profusion of vegetable beauty.

**The Right of Women to Vote at Elections.**—An impression widely prevalent that the extension of the parliamentary suffrage to women, whether it be in itself desirable or not, is at any rate not desired by women. In the hope of in some degree removing this impression, it is proposed to present to the House of Commons, at an early date, a petition briefly expressing the opinion of women on the point. The grounds on which the franchise is desired are very various. Arguments which, to some persons, appear irresistible, with others carry little weight. The petitioners do not attempt to enumerate the reasons which might be urged in support of their claim, and by which they are severally influenced; they simply adopt what appears to be the most direct method of expressing their wishes on a matter which they hold to be of great importance. The co-operation of all who concur in the general object of the petition is respectfully invited. The following signatures have already been received:—Lady Goldsmid, St. John's Lodge, Regent's Park, London; Miss Helen Taylor, Blackheath Park, S.E.; Mrs. Bodichon, 5, Blandford-square, London, N.W.; Mrs. Boucherett, Willingham, Market Rasen; Miss Jessie Boucherett; Mrs. Peter Taylor, Aubrey House, Notting Hill, London, W.; Mary Howitt, West Hill Lodge, Highgate; Miss Garret, L.S.A., 20, Upper Berkeley-street, Portman-square, London; Miss Smith, Warrington-crescent, London; Mrs. Grote, 12, Savile Row, London; Mrs. Manning, 44, Phillimore Gardens, Kensington; Miss E. A. Manning, 44, Phillimore Gardens, Kensington; Miss E. Shackleton, Florys, Wimbledon Park; Mrs. Donkin, 17, Argyll-road, Kensington; Mrs. MacDonald, 19, Earle's-terrace, Kensington; Miss A. M. Keane, 17, Addison-road, Kensington; Mrs. James Stansfeld, 35, Thurl-



square; Miss Harriet Martineau, Ambleside; Miss Frances Power Cobbe, 26, Hereford-square, London; Miss Susanna Winkworth; Isa Craig Knox; Anna Mary Howitt Watts; Mrs. Lee Bridell, 8, Victoria-road, W.; Mrs. Alford, The Deanery, Canterbury; Mrs. Lankester, Melton House, Hampstead. The following petition has been extensively signed, and will be shortly presented to both Houses of Parliament:—"The humble petition of the undersigned, sheweth, That it having been expressly laid down by high authorities that the possession of property in this country carries with it the right to vote in the election of representatives in Parliament, it is an evident anomaly that some holders of property are allowed to use this right, while others, forming no less a constituent part of the nation, and equally qualified by law to hold property, are not able to exercise this privilege. That the participation of women in the Government is consistent with the principles of the British Constitution, inasmuch as women in these islands have always been held capable of sovereignty, and women are eligible for various public offices. Your petitioners, therefore, humbly pray your honourable House to consider the expediency of providing for the representation of all householders, without distinction of sex, who possess such property or rental qualification as your honourable House may determine. And your petitioners will ever pray."

**The Cattle Plague.**—We have to chronicle the gradual decline of the cattle plague in England, and its appearance in Ireland. Just as the cattle plague is retiring, new remedies are proposed in abundance. Every remedy that is now tried succeeds. The last new thing in treatment is transfusion. Dr. Protheroe Smith, arguing in that profound way in which doctors do argue when every new remedy is sure to be a success, comes to the conclusion, that as the cattle plague is a blood disease, the putting new blood into an animal must be a remedy for the disease. Unfortunately, the number attacked is now so few, and the proportion which get well is so large, that it will be impossible to say, even if this remedy is tried, as to whether the animal got well by its own inherent power of vitality, or by the use of the remedy. The fact is, transfusion has been tried over and over again, and always failed to produce any good result. The disease has been vigorously attacked in Ireland, and, by the destruction of infected animals, and the adoption of vigorous quarantine, is likely to be arrested. The stupid theory has been again revived, that perhaps the cattle plague has been originated *de novo* in Ireland. If a dead baby were found in a road, would anybody suppose that the baby was originated *de novo* in the road? The poison of cattle plague is as distinct an entity as an oak-tree or a man, and can no more be spontaneously originated than the highest organisms. Those who are interested in the minute study of the cattle plague will do well to procure the Third Report of the Cattle Plague Commissioners. It is a much abler document than the two preceding, and contains the reports of the gentlemen who were employed to investigate the rinderpest from special points of view. The following subjects are embraced in the report: On the Nature, Propagation, Progress, and Symptoms of the Disease, by J. B. Sanderson, M.D.; General Pathology of the Disease, and its



Relation to Human Diseases, C. Murchison, M.D.; Chemical Pathology of the Disease, W. Marcet, M.D., F.R.S.; Morbid Anatomy of the Disease, J. S. Bristowe, M.D.; Microscopical Researches on the Disease, L. S. Beale, M.D., F.R.S.; Treatment, George Varnel, M.R.C.V.S., and William Pritchard, M.R.C.V.S.; Disinfection, F. Angus Smith, Ph.D., F.R.S., and W. Crookes, F.R.S. The principal conclusions arrived at by the reporters are: 1. That the disease is essentially of a contagious nature. 2. That the poison, or contagion exists especially in the serum of the blood. 3. That this poison has not yet been traced to any especial histological product, or chemical compound. 4. That the disease has nowhere broken out spontaneously but in every case been introduced. 5. That certain disinfectants, especially carbolic acid, has the power of destroying the poison. 6. That no system of treatment has been found of any avail. 7. That the immediate destruction of diseased cattle is the most certain way of arresting the progress of the disease. We take no credit for foresight in the matter of this cattle plague; but from its analogy to all other contagious diseases, and its previous history, we have urged, from month to month, in the pages of this journal, the course of action which the exhaustive researches of the gentlemen employed by the Cattle Plague Commissioners now demonstrate to be the only method of preventing the introduction and spread of this truly fearful disease.

**Cholera.**—We chronicled last month the appearance of cholera in Holland. Nobody acquainted with the nature of this disease could for a moment doubt that we were liable to the importation of this disease from our nearest neighbours. Yet the winter was allowed to pass without any precautionary legislation. London vestrymen, in particular, distinguished themselves by laughing at the anxiety of their medical officers of health, and voting them a bore. Marylebone rejected the proposal for additional sanitary inspectors; Saint Pancras threatened to dismiss its medical officer of health for suggesting that its vestry had not done everything necessary for the health of its inhabitants; Saint James's, Westminster, regarded the Broad-street pump as a parish institution of more importance than the lives of its inhabitants. The Government positively refused to entertain any question with regard to the arrest of cholera, believing, in spite of its great cattle-plague mistake, that cholera is not an importable disease. Dr. Trench, the medical officer of health of Liverpool, said at the Sheffield meeting of the Social Science Association in October last, "I tremble when I think of the danger to which we are exposed in Liverpool should a vessel arrive with cholera on board. I have no power to prevent a person affected with cholera being brought into the midst of that large community and spreading the disease on every side." The Mayor of Liverpool, applying to the Privy Council for power to deal with cholera cases, was answered by the Government that they were not prepared to authorise any measures of quarantine. At last, the cholera arrived at Liverpool on May 4; the ship *Helvetia* arrived with cholera on board. If it had not been for the fortitude and decision of the Mayor of Liverpool, backed by its excellent medical officer of health, the cholera by

this time might have carried off hundreds of people in Liverpool, and been threading its way from that great seaport to every town in the kingdom. But, happily, the cases on board the *Helvetia* have been watched. They have been carefully transferred to other ships, and subsequently to hospitals erected on shore, where every precaution has been taken to prevent the spread of the disease; and whilst we are writing, we believe we may say that, practically, the plague has been stayed. But here, again, is the cattle-plague policy breaking out again. How many of our seaports have so intelligent a mayor and medical officer of health as Liverpool? If cholera should come to Sunderland, to Hull, to Southampton, to Plymouth, is it to be supposed that they will act in opposition to Government indolence and supineness? Certainly not; and cholera we shall have, unless the Privy Council shows itself more active and decided. The secret of all this inactivity on the part of the Government is really political. It has been for the last thirty years the creed of the Liberal party that diseases are not contagious, and that quarantine establishments are the devices of despotic governments to keep down the spread of liberal opinions. Hence, those medical theorists who believe that dirt and filth generate contagious diseases (which they never do), have been petted and put in all places of sanitary action. The Privy Council does not believe in contagion; that is an old Tory doctrine, hence the blunder they made in admitting the cattle plague; hence their indifference about the poison of cholera. "Keep your water-closets clean and you need not fear cholera," is the maxim on which they act. There is no doubt that dirt kills and predisposes to cholera; but all the abominations of our dirtiest towns put together could not create a genuine case of Asiatic cholera capable of spreading the disease to others.

**Fever in Manchester.**—In the able report of Dr. Morgan, of the Manchester and Salford Sanitary Association, we find the total number of new cases of continued fever in the course of the year amounted to 3788. Among these were 350 deaths, or 1 in every 10.8 cases. In the first quarter there were 610 cases, in the second 703, in the third 45, and in the fourth and last 1530. It was difficult to estimate how many of these 3788 cases proved examples of true typhus, but certainly no fewer than about 2000; in fact, 1949 are specially referred to in the returns as typhus cases. Among the sufferers from the latter and more severe form of fever, the deaths amounted to about 300, or 1 in every 6. If the word fever was used in its wide generic sense, the proportion of deaths to cases was about 1 in 11; while, if it was restricted to typhus proper, it was as high as 1 in 6. These cases, though numerous, referred exclusively to those seen in public practice, and constituted but a small portion of the heavy tribute exacted by fever. From the returns of the registrars it appeared that the loss occasioned by death from this cause in the 11 districts of the Association—districts containing in the aggregate an estimated population of 429,478—amounted to 911. On the assumption that each of these deaths represented 11 cases of sickness, it would appear that in the course of the year no fewer than about 10,000 persons experienced attacks of continued fever. It might confidently be asserted that, on



an average, each one of these cases incapacitated the sufferers from undertaking any active employment for about five or six weeks. If the experience of hospitals be used as a guide, the money expended on each fever patient would considerably exceed 10s. a week. Yet, even at this rate, the expenses attending a single attack would amount to about 3*l.*; while the aggregate sum expended on the whole of the fever patients would absorb no less than 30,000*l.* In this calculation moreover, no account was taken of the vast number of children who, in consequence of the death of their parents, were reduced to a state of pauperism, and were thus forced to look to the support of a workhouse. Of the patients who suffered most from an outbreak of typhus, men and women in the prime of life formed a large proportion. In the course of the year, of the persons who died, upwards of 60 per cent. were valuable lives, varying in their ages from 15 to 50; while no more than 39 per cent. consisted of children under 15 and adults who had passed their 50th year.

**Asylum for Idiots in the Northern Counties.**—A very influential meeting was held last month at Manchester for the purpose of promoting the establishment of an institution for the training and education of imbecile, idiotic, and young children of all classes. The counties from which cases will be received are Northumberland, Cumberland, Durham, Westmoreland, Lancashire, and Yorkshire, and power is retained to include Cheshire, in the event of a local association being formed there. The mayor, Mr. Bowker, took the chair, and called upon Dr. De Vitre, who, with Mr. Harrison, surgeon, attended from Lancaster to offer explanations. The basis of operation consisted of a promised gift of 2000*l.*, to which, at the present meeting, from Manchester alone, 2000*l.* more was subscribed. The institution is planned on the pavilion system, for the accommodation of 900 inmates, but to commence with 300. The Rev. Canon Richson, Rev. S. Steinthal, Drs. Johnson and Fernley, supported the plans of the promoters, and gave liberal subscriptions in its behalf.

**The Gasworks Nuisance in Towns.**—A large open-air meeting was recently held in Victoria Park to obtain an expression of public opinion against the attempt of spoliation of this beautiful park, if certain propositions—two amalgamated Chartered London Gas Companies—were allowed to come to pass. The Rev. Septimus Hansard was called upon to take the chair. He said that between two and three thousand tons of coal would be consumed, and the black cloud of smoke allowed to escape from these works and other factories, the air entering the lungs was poisonous and destructive to life, both animal and vegetable. The planting of noxious works in the vicinity of Victoria Park was not only a nuisance, but ought earnestly to be protested against, as it was a means of making money at the expense of the life and health of the people. The Chairman also alluded to the fact, that at Manchester, Liverpool, and other places, a better gas was manufactured at half or three-quarters the price charged by the London gas companies.



## PROCEEDINGS OF SOCIETIES.

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### ASSOCIATION OF MEDICAL OFFICERS OF HEALTH.

April 21, Dr. Druitt in the chair. The following paper On Judicial Decisions, under the Metropolis Local Management and Nuisances Removal Acts, or emanating from the higher Law Courts, in their bearing on Sanitary Progress, was read by Frederick J. Burge, Esq., Medical Officer of Health of the Fulham District.

I do not know whether I have chosen the right title, or whether I am the right person for introducing to you the subject on which I desire to enlist your attention this evening, but of this *I am sure*, that at the present moment, when we may fairly hope for some amendment to be initiated in the present sanitary laws, and a period when from experience we may with some authority, as a body, point to several vexatious disappointments in the exercise of our official functions under existing powers, this is a time, I believe, when we may with advantage, both to ourselves and the public, on whose behalf we work, take into consideration those circumstances affecting general sanitary progress as evidence, through the medium of judicial decisions of various kinds.

The numerous alleged defects of the Metropolis Local Management and Nuisances Removal Acts have, indeed, from time to time, been constantly dwelt on by our Association, and many reasons have been shown for procuring further powers for the preservation of the public health; but I propose this evening to take a view of the subject from the opposite end of the scale, and show, as far as I am able, how our presumed powers, with regard to the metropolis, have been realised or not, through the agency of magisterial decisions, or influenced by those emanating from the superior law courts. Although, as far as the metropolis is concerned, two Acts of Parliament—the Metropolis Local Management Act, and Nuisances Removal Acts—may be said to constitute the sanitary law, yet the city proper is known to have its special legislative powers, whilst some minor Local Improvement Acts will complicate the sanitary machinery of London. But the great difficulty which has thwarted the proceedings of sanitary authorities most equally with a deficiency of power, has been the uncertain interpretations put upon the various clauses of these Acts by police magistrates and in higher judgments.

Various proceedings for the sanitary improvement of property in an unwholesome condition were taken by the local authorities from the moment of their existence under the statutes referred to, and, perhaps, with varying issue; but the first great *contretemps* of which I have

a record is that of *Tinkler v. the Board of Works for the Wandsworth District*. Here a notice had been served upon Mr. Tinkler to pull down some filthy privies attached to about forty cottages, and convert them into proper and efficient water-closets. This notice was issued under the powers of the Metropolis Local Management Act, 1855, sec. 81, and as this order was not complied with, the Board referred to served another notice on the owner, also provided for in sec. 81, to the effect that, on a certain day, they would, if the work were not previously done, enter the premises and execute the necessary works at his expense. Mr. Tinkler thereupon sought for and obtained an injunction from the Court of Chancery to restrain the Board from proceeding with the work. The case was argued before Vice-Chancellor Sir J. Stuart on Nov. 19, 1857, and decided by him upon the plea, that although the powers sought to be exercised by the Board of Works were given by the Metropolis Local Management Act, still he thought they ought to have proceeded under the Nuisances Removal Act, which gave a more satisfactory appeal to the owner; the only appeal under the former being to the Metropolitan Board of Works, whilst in the latter it was from the magistrate to the quarter sessions. On appeal of the Board from this decision to the Lords Justices, the injunction granted by Sir J. Stuart was confirmed.

This was a most unsatisfactory result, which completely nullified the direct powers given by our Act, apparently because a different mode for securing an object was available in another.

It is not my intention to weary you in multiplying cases in this paper exactly similar, but shall endeavour to confine myself as far as possible to *single* instances—such, indeed, only as may be sufficient to illustrate the various subjects dwelt on; but the more recent case of the Vestry of St. Luke, Middlesex, *v. Lewis*, almost identical with the above, is so important, as showing on what slight grounds an opposite decision is arrived at, that I cannot help a reference to it. Here the vestry converted two privies into water-closets, though they did not actually pull them down and reconstruct them, as at Wandsworth. The decision of the magistrate was adverse to the Vestry, who then required a case for the Court of Queen's Bench. The Judges Crompton, Cockburn, and Wightman were almost unanimous in their opinion that the Vestry had the power which had been impugned in *Tinkler's case*, and gave judgment in their favour.

There were some slight *technical* differences in these cases which even now may influence the issue of further trials of power. British police decisions, as will be seen, have been conflicting, those of our judges have been equally capricious. In the case of *Bamford v. Turney*, originally tried before Chief Justice Cockburn, in which the plaintiff sought to restrain the defendant from burning bricks on adjoining land, that learned judge directed the jury to find for the defendant on the authority of *Hole v. Barlow*, but leave was reserved to set aside the verdict. In the Exchequer Chamber, before Chief Justice Erle, Justices Williams and Keating, and Barons Wilde and Martin, this judgment



was reversed, though the Lord Chief Baron held the former verdict valid.

The question of noxious trades, I need hardly say, is one of vast importance, and it is on this that so much conflicting evidence has been given by medical authorities; a subject on which one would have supposed some unanimity would exist, but which has engendered much confusion, and rendered it a matter of some difficulty to the magistrates to decide between contending parties.

The great cases of Broadbent *versus* the Imperial Gas Works, and that of the Corporation against the City Company, are too truly illustrative, whilst the statutory protection thrown around trade and manufacture are alone sufficient to offer many insurmountable obstacles to sanitary progress.

But, in spite of temporary success in mitigating these giant nuisances, the Imperial and the City works remain as standing monuments of our difficulties, pouring forth from day to day, in increased volumes, pernicious elements of mischief to the public health.

After almost endless litigation, with judgments and counter-judgments between Broadbent and the Imperial, the vast resources of that company were brought to bear successfully in the case, the plaintiff's land and interest were purchased by the company, and thus this pertinacious thorn was removed from their side.

Against such interminable difficulties, boards and vestries may well shrink, whilst holding the purse-strings of their constituents. It is to Parliament we look for further powers to check these monster nuisances with simple and more intelligible statutory language.

Then, again, comes the great struggle against Mr. Croll, of Bow, which ended in defeat. Here the proceedings were taken for the suppression of the noxious process of converting gas liquor into alum. Abundant evidence was adduced, medical and scientific, as well as lay, to prove a horrid nuisance; and yet, because it was asserted by the defendant that other nuisances equally pernicious existed in the immediate locality, and because something had been done by way of abatement, and whereas "the whole force of the law" could not make Bow Common a pleasant place to live at, in Mr. Yardley's estimation, he dismissed the summons. Well might the *Times* remark on this extraordinary case: "One nuisance, it is evident, can be made to protect another, and fifty in a lump will be perfectly unassailable." And so Bow Common, with its thousands of inhabitants, was thus magisterially dedicated to stinks and noxious influences.

Thus, it is not only the varied interpretations placed upon the wording of our sanitary statutes by the magistrates, as lawyers, but much depends upon their individual estimation of what constitutes a properly removable nuisance. The difficulty above referred to not unfrequently presents itself, and has undoubtedly, in many instances, either thwarted together or almost nullified our work. Such a case has also been reported by Dr. Ballard, in the early part of his career as officer of health. Here the proprietor of a boiling-house for condemned meat



and a fat-melter, occupying adjoining premises, were summoned for an intolerable nuisance; but as each case had to be heard separately, and the evidence failed to show *which* was producing the offensive smell for which *both* were summoned, no conviction was obtained.

A case somewhat remarkable is related by Dr. Hillier, in his Report for December, 1857. The owner of premises in Chad's-row, used for melting down the refuse from seal-skins, had been repeatedly summoned under the Nuisances Removal Act; but the magistrate at last decided that this Act was not applicable to the case, inasmuch as it had not been proved to his satisfaction that the best available means to prevent nuisance had not been employed, and stated that he considered the case ought to be taken before a special sessions. A summons was then taken out under the Buildings Act, 7 & 8 Vict., c. 84, sec. 55, which provides that any person who shall establish or newly carry on any one of certain offensive businesses, therein enumerated, within fifty feet from a dwelling-house, shall be liable to a penalty of 50*l.* a day. The owner did not feel disposed to stand out against this, and gave a written agreement to remove the business entirely before the middle of February, if the prosecution was suspended. This course was adopted.

I am not aware whether any other proceedings have been taken under the clause of the Buildings Act referred to, but if its provisions are unassailable it would prove indeed a boon to sanitary authorities.

Of all the cases which occupy the attention and claim the utmost energy and judgment of an officer of health, none take so prominent a part as those arising from such-like offensive occupations. It is in these we see the magistrates give way to hesitation, and in which, as a rule, we find that, after repeated adjournments on any trivial modification of the processes complained of, the summons is dismissed, or some such insignificant penalty inflicted as could have no material influence in checking a quick return to the practices adjudicated on.

Perhaps no proceedings taken by the sanitary authorities have given rise to greater anomalies of decisions than those for the removal of scavengers' and dust contractors' yards. No relief in many, partial and evanescent good in others, absolute removal in few. Mr. Tyrwhitt, however, an admirable magistrate, in one of his judgments, related by Dr. Tripe, stated that he considered all trades which caused the evolution of noxious effluvia should be removed from the metropolis; that as the defendant's trade had been proved to be noxious and injurious to the health of the neighbourhood, and as the sifting of dust was hurtful, he could not allow him to continue doing so, and therefore ordered the abatement of the nuisance. I have been unfortunate myself in not obtaining any such decision.

Again, the keeping of swine in a state of nuisance has given rise to many and chequered results. The noted Potteries of Nottingham gave early evidence of the troubles in store for us on this head. It may be sufficient to say that Kensington Vestry has entirely failed in their endeavour to cleanse this Augæan stable under the powers of the Nuisances Removal Act. The Fulham District has been equally un-

successful in the application of its provisions; the continued worry, however, of sanitary proceedings, has tended much to disarm the pig-keepers of their objective power, and has contributed much to the partial success attained.

It is a singular fact connected with this portion of the subject, that although a special and apparently decisive clause exists in the Nuisances Removal Act, and in broad and comprehensive language says, "any animal so kept as to be a nuisance or injurious to health," and although, in the 27th section of this statute, no reference is made to pig-keeping as a "business process, or manufacture," yet the question of *trade* has been, and *successfully*, imported into it. I have only recently had a summons dismissed by Mr. Dayman on this defence.

By the incorporation of 57 Geo. III., cap. 29, better known as Angelo Taylor's Act, it was supposed that enlarged powers would be acquired for the special removal of swine objectionably kept; but although the Vestry of Kensington obtained a judgment under it from Mr. Ingham, the point, of its consistency with the Metropolis Local Management and Nuisances Removal Acts, was so keenly contested by counsel on behalf of the defendant, that I believe the actual order-made was never enforced.

If there be one feature of our duties more than another, which has offered less variety in its application and result, it may probably be found in the proceedings we have taken for the cleansing of domestic dwellings. There is, I suppose, something so palpably obnoxious to human health in dirty houses, that even lawyers hesitate to raise a difficulty on the question. Few cases of non-success in this direction probably can be recorded, and yet we have not *here* "a rose without a thorn." Almost equally essential with the whitened wall stand sound and weather-tight doors and windows, &c. *Repairs*, however, in the ordinary sense of the term, come not within the scope of what many magistrates consider the provisions of the Nuisances Removal Act, and in the Hammersmith Police Court I have not been able to enforce them, though, I believe, some officers of health have been more fortunate in this respect. To make *safe* and *habitable*, then, appears to want some enlargement of its interpretation, to make *health* and *comfort* more synonymous in their meaning.

And here we may take up the question of water supply, with regard to which the ill construction of the 81st clause in the original, and the not much improved one in the amended, Metropolis Local Management Act, has given rise to many anomalies in enforcing their provisions. In cases I have myself carried before the magistrate, he has refused to give an *order*, but has left the District Board to take its only remedy, viz., to do the work themselves—a risk which I believe few Boards have thought it prudent to adopt.

Now, of all the barriers to sanitary improvement, the protection thus inadvertently thrown round careless landlords certainly has been to me, as an officer of health, the greatest. This primary and most essential sanitary requirement should have no restrictions such as meet us here.

All reasonable power should be given to the authorities, and magistrates should be enabled to give an order, as in cases of ordinary nuisance. 'Tis here crops out in bold relief the imperfection in the provisions of the Nuisances Removal Act on the question of water for the people. A proper and sufficient supply for closets, under this statute, is one thing, a proper and efficient quantity for ordinary domestic purposes certainly is another. The two supplies, I need hardly suggest to this Association, should always be distinct, and no communication should exist between the drains and household cistern. The Nuisances Removal Act takes no cognisance of water for drinking purposes.

Foul and offensive open ditches and roads in a state of nuisance injurious to health have each, especially in suburban districts, given much anxiety and trouble to officers of health, and frequently formed the subject of legal process.

The pollution of streams and rivers, also, have formed ample field for the caprices and uncertainties of the law, and the decisions in these matters form no exception to the difficulties we are considering.

It would be impossible to enter into details of the cases which may be cited in which the right of drainage into rivers and streams have been most keenly contested, both by private individuals and by public bodies. The decisions upon them, however, have been important, though more especially relating to rural districts; yet that portion of them connected with open *tidal* ditches having an outlet into the Thames, have a special interest for us as metropolitan officers of health. Difficulties with more than one of these have occurred to me, one only of which, however, I will trouble you with. A tidal ditch within the parish of Fulham, and running principally through market-garden ground, received the drainage surreptitiously poured into it from an adjoining piggery. A summons was taken out against the owner to remedy the nuisance produced, by discontinuing his drainage into the ditch. The magistrate (Mr. Ingham) decided that the defendant had a perfect right of drainage there, and that if the ditch were in a state of nuisance it would be the duty of the Board to cleanse it, and therefore he dismissed the summons. This decision had not been disturbed by the Board, and the nuisance has been indefinitely increased by further drainage of piggeries into the ditch referred to.

The case of the Board of Works of the Fulham District against Whitchurch offers an illustration of the serious difficulties of technicalities in the law affecting sanitary progress. Here was a roadway, something near a mile in length, in one of the most perfect conditions of nuisance injurious to health which can possibly be imagined. The freehold of the ground was vested in the defendant, but the property adjoining, with the exception of certain still uncovered plots, was held by the proprietors on building leases. The Board proceeded on the 105th Section of the Metropolis Local Management Act, 1855, under requisition from the required proportion of the owners, to repair the road. An apportionment was made, but in consequence of its extended length and the difficulty of collecting the contributions from the



various owners, and the consequent loss of time thereby involved, the Board determined to repair the road in sections, three in number, to two of which the freeholder contributed his proportion, and the work was done, but to the third contribution he demurred. Proceedings were thereon taken for its recovery, and the matter eventually, at the instance of the defendant, was carried to the Court of Queen's Bench. Here the case for the Board broke down. On the part of the defendant it was contended that the apportionment was bad; that the Board, if they repaired and apportioned, the repairing and apportionment should have been upon the whole, and not in sections, and that, consequently, their proceedings had been entirely informal. On this, judgment was given in his favour, and the road, pregnant with damage to the public health, remains a further evidence of the facility for legal quibble. Renewed proceedings will, of course, be taken, but with what further obstacles is still uncertain.

A very important question under the Metropolis Local Management Act, with regard to the repair of roadways in a state of nuisance, and which has special reference to *open spaces*, has just been raised in the case of *Kensington Vestry v. Lady Holland*. Here proceedings were taken for the repair of Holland Villas road, and the question in dispute was whether Lady Holland was the owner of the pleasure-ground forming Addison gardens, which abutted on the Holland Villas road. It was contended for the defendant that she received no ground-rent for the open space referred to, that although the plot of land originally formed part of Holland Farm, it had been converted into a pleasure-ground for the use of the inhabitants of the locality, and, therefore, she was not the owner within the Act. Mr. Ingham decided that the freehold was vested in Lady Holland, that the occupiers of the houses possessed an easement only, and that if a gold-mine were to be discovered in the ground it would belong to Lady Holland. The course of true love, however, was not to run smooth here; a case was demanded for Lady Holland, which is still *sub judice*.

The case of the Vestry of St. Pancras *v. Morgan*, under their Local Act of 6 & 7 Vict., shows the necessity existing for a removal of the restriction on Local Boards, by which they are confined to one special mode of action.

A judgment of considerable public importance, under the Nuisances Removal Act, was given by Mr. Arnold in the Westminster Police Court. The defendant, Edward Bench, was summoned by the Vestry of St. Luke's, Chelsea, under the 36th section of the Act, for obstructing the officers in the exercise of their powers of entry given by that clause, to ascertain the course of certain drains within his premises. Mr. Arnold expressed his opinion that the powers of entry to ascertain the course of drains under the Act were applicable only to cases where the drains become choked so as to prevent the sewage running off, and did not extend to a case where the object seemed merely to be to ascertain in what manner the sewage was ultimately disposed of. The summons was dismissed, but the Vestry applied for a case, which was granted, though I am not aware with what result.

Important as the question of adulterating food undoubtedly is to public health, few decisions have, I believe, been given on it under the Nuisances Removal Act; but that of recent date, by Mr. Woolrych, on the remarkable Bermondsey Liver Ketchup case, is not without its interest. It is to be hoped that the proceedings in the superior court now pending, with regard to it, will be successful in their issue.

But, Mr. President and Gentlemen, if, as undoubtedly has been the case, our reverses have been great, we have had much to cheer us in our sanitary warfare. The chances have not been all *against* us in the conflict, and we are now entitled to take a peep, though brief it may be, at the more pleasing features of the drama.

I have dwelt essentially on our disappointments, because I feel it is from them we learn the lessons of most practical importance; it is from them we mark the rocks and shoals which mar our onward course, whilst the obstacles which have presented themselves in such variety of form may, many of them, be utilised in procuring substantial alterations in the sanitary laws.

It would be useless to occupy your time by giving instances in detail where success has marked our path. These may be rather summarised in general terms, though their importance with regard to sanitary progress cannot be overrated. None will dispute the immeasurable good effected by the host of magisterial orders for the cleansing of unwholesome houses and the removal of overcrowding.

Edicts for the removal of ordinary nuisances may be multiplied by hundreds; and how can we fully estimate the blessings to the community derived from such vast improvements as have been insisted on in many manufacturing processes, through the agency of judicial interference?

The keeping of swine in improper places in the suburban districts has formed no inconsiderable portion of the trouble entailed on sanitary officers, and few subjects have given rise to more various results; yet many filthy piggeries have been abolished altogether, some have been improved so as to render them innocuous to public health, whilst the decisions in other cases, where proceedings have been taken specially under the 27th or Constructive Works clause of the Nuisances Removal Act, have practically operated to their indirect annihilation. In a report on the sanitary condition of the City, published December, 1850, Mr. Simon, in speaking of the then condition of the population of London, said, "That the main conditions which constitute the unhealthiness of towns are definite palpable removable evils; that dense overcrowding of a population; that intricate ramification of courts and alleys, excluding light and air; that defective drainage; that the products of organic decomposition; that contaminated water and a stinking atmosphere, are distinct causes of disease and death; that each admits of being definitely estimated in its numerical proportion to the total mortality which it contributes to cause; that each is susceptible of abatement or removal, which will at once be followed by diminution of its alleged effects upon the health of the population."



And again, whilst dwelling on the recent outbreak of cholera, from which we had then escaped, he expressed his belief, "That the local predilections of this dreadful disease are so marked and so obstinate, that we may almost certainly predict in what parts of the metropolis it would tend to arise on any renewed visitation. We may anticipate that at any such time its latent power of destruction will kindle again in the districts, the streets, the houses, perhaps even the very rooms where it previously prevailed, unless the determining local conditions shall previously have been annulled." And further, in discussing the remedial measures by which the condition of disease may be effectually removed, he wrote: "These measures are (A), subsoil drainage, house drainage, and sewerage; (B), regulation of the water supply; (C), the banishment of offensive or injurious trades; (D), the disuse of burial grounds; (E), the improvement of the habitations and social condition of the poor."

Now, the consideration of how these prophetic warnings have been appreciated and acted on, may be divided under three separate heads, viz., how far the local authorities created by law have exercised their powers; how we as a body have carried out our duties; and thirdly, how far both of these have been thwarted or assisted by legal decisions. It is the last of these conditions with which we have to do this evening; but it may not be out of place to say, that though prejudices and want of proper appreciation of the value of preventive medicines may still hold in thralldom the minds of some, there are many vestrymen of London who have learnt a large amount of reverence for sanitary measures, and who, in their corporate capacity, are anxious to carry out efficiently the duties imposed by law upon them.

For the Fulham District Board, indeed, under which I personally act, I have an unhesitating, conscientious conviction of their determination to carry out their functions with alacrity, and of their desire for the improved sanitary condition of their district.

For ourselves, Mr. President, it will best become our body if I merely say that our one sole wish has been to carry out our mission temperately and efficiently. Probably with more earnest support from many of the vestries, more good might have been accomplished by our staff; but I believe the great stumbling-block to sanitary progress still exists in the imperfection of our statutory powers, and in the capricious administration of such as be in our various courts of law.

Gentlemen, I am aware how imperfectly I have dealt with the subject which I have ventured to bring before you this evening; the selfish gratification that my remarks have been exhaustive is not for me, but I have every hope that my omissions will be more than compensated for in the discussion to which I leave it. My object will be attained if I have in the least degree convinced you of the importance to us of considering the bearing of judicial decisions on sanitary progress, whilst I ask your generous consideration for the feebleness of my attempt.



## ASSOCIATION FOR PROMOTING THE WELFARE OF THE BLIND.

A meeting of the members and friends of this Association was held on Tuesday, May 15th, at St. James's Hall; the Archbishop of York in the chair. From the report it appeared that regular assistance was given by the Association, during the past year, to 172 blind men and women, against 170 the previous. Of the 172 now benefited, 61 are supplied with work at their own homes, at sums varying from 1*l.* 4*s.* to 3*s.* a week; 28 are instructed and employed at the workshops of the Association; and 25 are engaged in selling goods for the society. Pensions to various amounts are granted to 9 persons who are unable to earn their own living. Of the total number of blind persons assisted, 51 are married, and have 72 children dependent on them for support. Of those employed at their own homes and at the society's workshops, 31 are women, who earn respectively from 4*s.* to 8*s.* a week. The importance of giving work to the blind at their own homes had been constantly forcibly illustrated. Since the existence of the Association several societies have been formed on its model. The free lending library of books in relief print was increasing in usefulness; at present, 150 volumes are in circulation among 70 readers. The receipts during the year amounted to 6108*l.* 7*s.* 5*d.*; the expenditure, 6239*l.* 7*s.* 6*d.*—Professor Fawcett, M.P., after remarking that he had never felt so nervous in addressing a meeting as he did the present, went on to say that it was useless for him to disguise from them that the subject for the consideration of which they all had assembled recalled to his mind some old recollections. He could assure them that he was as happy as most people, and he believed that the life of the blind might be made as joyous as the lives of other people. Knowing, as he did, on what his happiness depended, and what had enabled him to overcome the obstacles necessarily connected with his affliction, he deeply felt for those who were blind and had not the same means of enjoyment as he had. In making an appeal on behalf of this society, he thought he could not do better—although it was not an agreeable thing to speak of one's self—than refer to his own experience. He believed that in doing so he should best point out to them what they could do for the blind. He lost his sight about eight years ago. He determined within ten minutes after the accident which caused his blindness—and from that resolve he had never deviated—to pursue the same course of life, as far as practicable, as that which he followed before he lost his sight. That determination was a correct one. In nature there was compensating power. The most beautiful machinery ever constructed by the mechanism of man, if its minutest part became disarranged, was disorganised; but nature was infinitely wiser. These compensating powers, he thought, were sufficient to enable a man without sight to do almost as much as if he had his sight—to go through life with the same hopes, the same ambition, the same tastes, and enjoying the same pleasures. He re-

sived to do the same thing as if he had not lost his sight. (Applause.)  
 Nothing pained him so much as the letters which he received after the  
 accident; they spoke as if now he must live a secluded sort of life. As  
 I had said, though a man might lose his sight, such was the compens-  
 ing power of nature that the mind became more intent, the hearing  
 more acute, the touch more delicate; in fact, every other power  
 assumed a new activity. He had never even altered his course of  
 reading, using the same books. He went as far as possible to the  
 same amusements and to the same places. He was passionately fond  
 of angling, and people said that he would never be able to fish again;  
 but he had enjoyed it just as much as he did before. He had great  
 love for the works and glories of nature. He knew the beauties of the  
 sea and the silvery light of the moon; but although these were cut  
 off from him, other and new sensations were awakened. There was a  
 certain feeling in the sunlight, certain associations in the moonlight,  
 which he had never known before he was blind. He did not say this  
 in any self-adulation, but said it to show that what had been done by  
 himself might be done by others, if they had persons to teach them.  
 It had been truly said that they were dependent on others, and this  
 was why he so deeply sympathised with those who were also blind, and  
 who had not the same means of obtaining enjoyment as he had, and  
 which their condition absolutely required. He appreciated as much as  
 ever new thoughts and literary efforts, but then he must have some  
 kind friend to impart to him those new thoughts. He loved as much  
 as ever to wander among beautiful scenery and breathe the mountain  
 air; but then he must have some kind friend to take him there. It  
 had been said that he had distinguished himself by obtaining a seat in  
 the House of Commons. The credit—if credit there was—was not due  
 to him, but to the generosity of the constituency who had accepted  
 him. (Applause.) They might reform the House of Commons and  
 reorganise it, but his short experience convinced him of the fact that  
 it would defy their reformed Parliament to be more generous or kind-  
 hearted than the present one. What the blind required was assistance  
 from others, and he confidently appealed to them to give that aid.

#### JURIDICAL SOCIETY.

At the anniversary meeting on Wednesday, the 9th ult., W. M.  
 Estlin, Esq., in the chair, Lord Westbury was re-elected as president  
 of the society; Messrs. Worsley, W. Major Cooke, W. W. Kerr,  
 Edward Elphinstone, and C. C. Massey, were added to the council;  
 Messrs. George Sweet and F. Lawrence were appointed auditors;  
 Messrs. C. H. Hopwood and W. Stebbing were elected honorary  
 secretaries. A vote of thanks to the chairman concluded the pro-  
 ceedings.

#### METROPOLITAN SANITARY ASSOCIATION.

A meeting of this Association was held in the Vestry Hall, Back-  
 street, Cannon-street-road, St. George's-in-the-East, on Tuesday, the

15th of May, to consider the subject of the "dwellings of the working classes," the Rev. the Rector in the chair. The expectation that cholera will visit London has led the Society to invite the various Vestries to consider what steps can be taken to give more effect to the existing laws. Dr. Lankester gave a sketch of the leading influences which conduce to an unhealthy condition of the dwelling-houses of rich and poor; and in the course of a capital sanitary lecture described the ill effects of overcrowding and want of ventilation, as illustrated by the difference of mortality in town and country, and in good and bad parts of one and the same town. He spoke especially of the necessity for special air supply to crowded rooms, and particularly if gas be used. He then proceeded to discuss the question of pure water, referring particularly to the disgraceful condition in which the water butts and tanks of the houses of the poor are often found. He said that especially in cholera time surface pumps, which are apt to be impregnated with sewage and other refuse, should be shut up. Mr. Godwin, F.R.S. in supplementing Dr. Lankester's remarks, referred especially to the traps of drains; in thirty instances in one row of houses which he had examined he found every trap bad. A working man in the body of the hall discussed at some length the unsuitableness of the present style of dwelling for the poor, especially the huge block and high storey "model" tenements, declaring the cottage system to be the best, being the more conducive to the independent feelings of an Englishman, and preferable in an æsthetic sense. The Rev. Mr. McGill, Mr. Hodson Pratt, and others joined in the discussion.

The Society does wisely in thus invading the East of London, which may well be called the head-quarters of the enemy.

#### MANCHESTER AND SALFORD SANITARY ASSOCIATION.

The annual meeting of this Association was held on Monday, April 2nd. The Bishop of Manchester, as chairman, opened the proceedings, and called attention to that part of the report relative to fever, overcrowding of dwellings, and other matters deserving the attention of the community. Thanks were rendered to the corporation of the city for the noble efforts they have made in many respects towards improving the sanitary condition of Manchester, and the attempts to free the rivers from the filth and impurity that were permitted to pollute them. Mr. Fairbairn spoke at length upon the systems that would probably have to be adopted for the utilisation of town sewage as manure, believing that either some mode of purifying sewage before it enters the rivers must be used, or the great mischief of mixing sewage with immense quantities of water must be avoided, before farmers could find it profitable, or believe it could be applied practically to vegetation.

The Rev. Canon Richson said that the Midland Railway Company in passing through the parish of St. Andrew's, would displace the habitations of 3000 persons, and that the effect of it would be more



alamitous, if no provision were made for these persons, who would be compelled to resort to the other inadequate and already evercrowded parts of the city.

Drs. Leonard and Johnson, Messrs. Greaves, Teale, Smith, Boutower, and Webster, were, as medical officers of health, thanked for their aluable services; and to the reports of Mr. E. Meacham and the late Dr. Booth (who died from typhus in the discharge of his duties) the committee desired to speak in the highest praise.

#### HARVEIAN SOCIETY OF LONDON.

On Thursday, the 17th of May, a discussion was opened on the subject of Infanticide by the Secretary, Mr. Curgenvén, in which several members took part, when it was decided that a committee be formed to draw up a report on the subject, with the object of suggesting the best means of checking the crime, and of reporting on the causes of death in young children, the best means of preventing excessive infant mortality, and to suggest some plan for the care and rearing of illegitimate children, other than the present workhouse system. The committee consists of the following members: Dr. Tyler Smith (the President of the Society), Mr. J. Brendon Curgenvén, and Dr. Drysdale (Hon. Secs.), Dr. Hardwike, Deputy Coroner, Mr. Ernest Hart, Dr. Sanderson, Medical officer of Health for Paddington, Mr. Benson Baker, and Mr. Sedgwick, with whom Dr. Lankester, Coroner for Central Middlesex, and Dr. W. Farr, will be associated.

#### GOVERNMENT INSURANCES AND ANNUITIES.

The system of granting (through the medium of the post offices) Government policies of life insurance for not more than 100*l.*, and Government life annuities not exceeding 50*l.* a year, appears likely to be very successful. It came into operation at a small number of post offices on the 16th of April, 1865, has since been generally extended throughout England, and is about to be applied also in Scotland and Ireland. In England in the first twelvemonth 809 proposals have been accepted for the insurance of lives to the extent in all of 60,874*l.*, the annual premiums payable amounting to 1924*l.*, exclusive of 18 cases in which the premiums were received in a single payment. 501 of the insurers decided to pay their premiums annually, very few half-yearly, 81 quarterly, 81 monthly, 3 fortnightly. No death occurred in the first year. 61 proposals were declined. In the other branches of business 150 immediate life annuities were granted in the first year, the annual sums granted amounting to 3430*l.* (averaging nearly 23*l.* each), and the purchase money being 39,774*l.* 80 deferred annuities were also granted, the annual sums to be paid to the parties amounting to 1600*l.*; most of these annuities were purchased by payments which are to be annual.

## CORRESPONDENCE.

## GAS EXPLOSIONS.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—Every now and then we hear of some dreadful calamity of the kind, but it to be feared that the warning is too often lost; for the precise cause of the accident seldom clearly made out, and therefore the particular danger to be avoided is not precisely known. The devastation and confusion attending such a fearful scene generally preclude the possibility of tracing it to its origin. The following, however, is an exceptional instance.

Two or three years ago a dwelling-house near Hyde Park, London, was burnt down and several of the inmates fell a sacrifice to the flames; the casualty caused great consternation in the neighbourhood, and it ought to have carried a lesson where the news reached. In the course of the investigation which took place it was ascertained that the cause of the fire was this: a gas burner had been left only partially turned off, and the gas escaping, had communicated with the lighted embers which remained in the kitchen grate, after the family had retired to rest; thus valuable lives and property were sacrificed through a careless act on the part of the person who had charge of the gas.

The introduction of this means of lighting our premises is assuredly a great boon, and it may be employed with perfect safety under certain conditions; but considering the carelessness that is too common concerning this dangerous agent—the absence of any feeling of responsibility on the part of those who undertake the charge of it—the wonder is that accidents by explosion do not oftener occur.

My present object is to offer a few practical suggestions, in order to assist heads of families in the matter. In every house in which gas is used, very strict orders should be given respecting the lighting and turning off; in so important a matter nothing should be left to chance, for the risks are numerous, as I intend to show.

In the first place, *the care of the gas should devolve upon one person in the establishment*, that is to say, it should always be lighted, always be put out by one individual; in the absence of the responsible person, another should be deputed to do the duty for the time; but irregularity and uncertainty should not be permitted, especially as to “turning off” the gas. If sometimes done by one person, sometimes by another, without arrangement or understanding between them, the time will come sooner or later when the duty will be left undone altogether, and a fearful accident would be imminent.

In large establishments in which there are two or three distinct departments, lighting and turning off may devolve upon one person in each division, but the same should be always in the charge of one, generally the head man-servant. In such houses the gas is left burning during the night, but such a plan is conducive neither to health nor safety.

It is an excellent arrangement, when a burner can be so placed as to be easily accessible to a member of the family, who would undertake to see, by means of it, that the gas is always turned off *on the main*; such a burner could be conveniently placed in a dressing-room or bedroom landing. The plan is to turn the jet fully on, and let the gas burn out, and then turn the tap off; by this means there is security that the gas remains in the pipes, and the inmates are safe from an insidious escape or an explosion of the deadly element.

Servants should be taught to be careful both in lighting and putting out the gas. It sometimes goes out soon after being lighted, when there is air in the pipe; and it requires patience in order to see that it is properly lighted and the burner regulated to give the desired amount of light. And here it may be as well to mention a common practice amongst servants of turning gas on too strong; it is very unhealthy, besides being wasteful of the gas itself. They are very apt to burn an excessive quantity in their own apartments, even when the gas is kept moderate in value for the family.

Then the same care is required in turning off as in lighting; if done in a hurry it is apt to be only half turned off, and nothing is more dangerous than for gas to be put out without being securely turned off; for this reason it is well to avoid placing burners in the way of a door or window, from which a draught of air may blow out the gas when lighted, and it is necessary to watch the gas when any burners are so situated. Most burners are furnished with a peg or catch to mark the distance for turning off, but this peg is sometimes deficient, and especial care is then necessary, for in turning off the gas it may be turned on again by going too far after putting it out.

These directions seem very simple, indeed they are so simple that they are often unheeded; and many narrow escapes occur—sometimes serious results happen—through the neglect of such precautions as those which I have suggested, insignificant certainly in themselves, but important enough to be insisted upon when we see that the preservation of life and property depend daily upon the observance of foresight in these trifling matters.

I am, Sir, yours obediently,

PRECAUTION.

P.S. In case of an escape from leakage in a pipe, or from an unclosed burner, the gas should be immediately turned off at the meter; also doors and windows should be set open to hasten the exit of the noxious vapour. A most dangerous practice which ignorant, thoughtless persons are prone to, is to apply a light to ascertain where the escape comes from.

### REMOVAL OF DEAD BODIES.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—I enclose an extract from a weekly paper, and should be glad to know if a coroner has the power of preventing the removal of a body after he has called an inquest, and if so, whether Mr. W. Payne has proceeded in any way against the parties who seem to have set his authority at defiance.

I am, &c.,

A COUNTY CORONER.

"On Wednesday afternoon, an inquest, which had been fixed to take place at Guy's hospital, was prevented under the following circumstances:—The inquiry was to have been held on the body of Mrs. Frances Warren, aged sixty-four, who died at the above hospital on Sunday, from the rupture of a blood-vessel in her right leg. The coroner, Mr. W. Payne, attended precisely at the appointed hour. The jury, sixteen in number, were equally punctual; but on Mr. Condell, the coroner's officer, being called upon to open the court, he stated, much to the surprise of all in court, that the body had been removed to where the deceased had resided, viz., No. 8, Marlborough-street, Charlotte-street, Blackfriars-road, being out of the district for the Southwark coroner. The latter accordingly inquired of various parties connected with the hospital as to why the body had been delivered after his order to hold an inquest; from which it appeared that the deceased when brought to the hospital was nearly exhausted, and died shortly after her admission from loss of blood, and it was stated that this having arisen from the effects of ulcers, &c., consequently Dr. Steele, the steward of the hospital, thought an inquest unnecessary, and Campfield, the bath-keeper, was ordered to deliver up the body when applied for. The coroner observed that in the absence of the body there could be no inquiry by him, especially as it was out of his jurisdiction; he could, therefore, only express his regret that the gentlemen of the jury had been so unnecessarily called together."

### THE CATTLE PLAGUE.

[The prediction of Dr. Farr with regard to cattle-plague has been all but literally fulfilled. So remarkable an exemplification of a natural law could hardly be expected to pass by without question, and, accordingly, we republish a letter on the subject.]

*To the Editor of the MEDICAL TIMES and GAZETTE.*

SIR,—Dr. Farr's position (as I understand it) is this:—He writes "That Rinderpest will subside spontaneously as an epidemic. The holocausts about to be offered up will, we may hope, not retard this consummation."—(*Daily News*, February 16 ult.)



As an illustration of his theory of this epidemic rise and fall of the cattle plague, he quotes only one single instance—the cattle plague in Rome as described by Lancisi. "The cattle plague in Rome, he says, lasted less time than our calculation gives. It lasted, in fact, about nine months.

Now, I cannot accept this instance as an example of the epidemic rise-and-fall character of Rinderpest. I have carefully perused Lancisi, and I find, as Dr. Farr admits, that the strictest rules as regards isolation, stoppage of movement of cattle, of rustics and of dogs, &c., burying of the dead bodies, disinfecting stables, &c.—in other words prevention of contagion—were rigidly laid down and practised in the Roman States the penalty of death being attached to the disobedience of many of the orders prescribed. I find in the carrying out of these orders a sufficient explanation of the arrest of the disease in nine months.

Dr. Farr should have explained (to show the consistency of his theory) how it happened that the cattle plague ravaged other parts of Italy for many years—in fact from 1711 to 1715. He does not explain why the supposed epidemic wave did not rise and fall in other parts of Italy. The artificial division of the States of Italy could have been no barrier to the epidemic progress of the disease. Will Dr. Farr explain on his theory why, in the Roman States alone, the disease died out in nine months, and why it ravaged the rest of Italy for four or five years?

Neither Lancisi nor Rammazini had the smallest doubt as to the disease being of a purely contagious character. Both trace its origin to that Hungarian ox, "*il fatalis bos*," imported into Count Borromeo's estate, "*quo momento non antea; hoc ipso loco, non alibi, incendium exarsit*." Moreover, Lancisi ascribes its stamping out in the Roman States to the careful measures there carried out. He says in his preface, "That same plague which infested other Italian States for years . . . thank to God and the vigilance of our Prince, was here completely extinguished in nine months." Again, elsewhere he tells us, "By the month of May not a trace remained of the pestilence which had so long and cruelly punished other countries, and still existed on the other side of the Po. For this we thank the piety of the Holy Father and his providential care."

Lancisi also gives instances where the disease had been excluded from their estates by those "*qui seduli contagionis rimas omnes obstruxere*." The cattle on two estates—the estates of Prince Borghese and of Prince Pamphilo—situated in the midst of the raging pestilence, were entirely preserved from the disease. "*Non aliâ plane causâ, quam quod intentissimâ vigilantia prohibitis fuerit externorum corporum, quæ cadere suspicio poterat*." "In the same way have been hitherto protected the provinces of the Patrimony, Umbria, Picenum, and Flaminia. Similarly, in the Duchies of Etruria and Martina, the cattle have been preserved solely by severe laws and careful watching." So wrote Lancisi.

Will Dr. Farr tell us how severe laws and careful watching can arrest the unseen footsteps of an epidemic, and prevent it leaping the artificial barriers of a *douane*? My friend Dr. Farr must excuse me for repeating that this only one example which he adduces as proof of the epidemic character of cattle plague, seems to me to tell a tale strongly illustrative of the very reverse. I cannot think any one can impartially read Lancisi's wonderful pages without arising from them with the conviction that the cattle plague of his day, at all events, was spread through Italy solely by contagion; and that it was extinguished in the Roman States in nine months solely by the extraordinary measures there adopted to prevent its spread. It is true, Dr. Farr says, that the Sacred College would not allow Lancisi to have his way with the poleaxe; but I will venture to say that the measures actually adopted by the Sacred College—of isolation, &c.,—were infinitely more stringent and more stringently carried out than any which have been yet adopted in this country.

I am, &c.,

W. O. MARKHAM.

London, May 14.

[Dr. Farr may truly say of this epistle, "let them laugh that lose, they will laugh that win." We shall not attempt to answer Dr. Markham, as Dr. Farr is so well able to answer for himself.]

## ON THE STUDY OF CHILDREN.

BY WILLIAM RUSHTON, M.A., PROFESSOR OF HISTORY AND  
ENGLISH LITERATURE, QUEEN'S COLLEGE, CORK.

IT has sometimes been remarked that children, in the middle classes of society, coming immediately under the eye of their parents, often enjoy better early training than those who are born in a higher station; for the latter are frequently left to the care of attendants, and are afterwards sent to boarding-schools.

However this may be, there can be little doubt that many philosophers and scholars, if they think proper to make use of their opportunities, have great facilities for observing the development of their own children. It will be found, upon reflection, that the study of children has a direct tendency to enlarge the knowledge of human nature, and to improve the methods of education. For children are the future men and women; and while they possess the germ of those faculties or dispositions, which will be hereafter carried into operation, in their case, human nature is undisguised and more easily read.

And, with regard to education, we must remember that in every transaction where mind acts upon mind three considerations are involved. The teacher must understand the operations of his own mind, he must have a clear view of the subject which he professes to teach, and he must study the minds of those to whom he directs his instruction. This third consideration, perhaps the most important of all, is often the most neglected. Hence it too frequently happens that the teacher is unable to realise the *ignorance* of the pupil, and takes for granted that the learner knows more of the subject than is actually the case; or he will insist upon commencing with general principles, and then working down to facts and details; whereas young persons are alive to facts, but have a positive dread of general principles.

For example, if we take up an ordinary school-book upon Geography, we are favoured at the very outset with a smattering of spherical trigonometry and astronomy; we hear of parallels and meridians, latitude and longitude, the ecliptic, the tropics, and many other things. Of course, these are very useful, and they ought to be known, but rather towards the end than at the beginning of the course. On the other hand, I would begin with the place where the child actually resides, and point out that place upon the map; then I would go on to the district

or county in which that place is situated, always making the local recollections and the map illustrate one another; for the great point is so to train the mind that a map shall call up the picture of a country. For this purpose *raised maps*, showing the rivers and mountains, are very useful. The next step would be to adjoining counties, then to the whole kingdom, then to the Continent; and, when the various parts of the world had been well studied upon the maps, I would proceed to the globe, and communicate as much knowledge of spherics as might be suited to the comprehension of the pupil.

If we consider the history of the sciences, we find that mankind always commenced by observing particular instances; then they compared one instance with another, and drew inferences; and at last, sometimes after the lapse of many centuries, they arrived at general principles. The great question is, whether a similar process is the best to be adopted in communicating knowledge? For an objection of this kind may be raised:—Even though this may have been the natural method, it does not necessarily follow that this plan must always be the best. We may follow a long and painful path to the top of a mountain, but when we arrive at the summit we may discern a much easier way, which would have led us to the same result.

The force of this objection must be admitted in some cases and especially in the teaching of geometry. It would be difficult to estimate the number of years which elapsed from the first age of practical land-measuring to the time when it was discovered that the square described upon the hypotenuse of a right-angled triangle is equal to the sum of the squares described upon the sides containing that angle, and he would be a bold man who should advocate a recurrence to the natural method of learning geometry, in preference to the deductive reasoning of Euclid. But we may be allowed to doubt whether theoretic geometry is a suitable study for very young persons, and whether a rosy-faced lad can make much of an ideal point or an ideal straight line.

Time was when nature was regarded as fit for nothing but to be scolded and to be improved. The presumption was that everything natural was likely to be wrong, and that everything contrary to the feelings of human nature was probably medicinal or useful; hence birch-rods and nauseous draughts were considered indispensable in rearing young persons; and to masters of the old school the wretched doggerel of *Propria quæ maribus* and *As in præsentis*, was not the less welcome because it bristled with hard words. Youthful repugnance was subdued by violent means; for in those days they put in knowledge “at the right end, sir!”

But we have begun to surmise that nature is not such



stepmother, after all ; that whether we be philosophers, poets, or schoolmasters, our chief wisdom, as also our highest honour, is to be the servants and interpreters of nature. We are less concerned to improve nature than to follow her indications ; and when we trace the development of a child from infancy to the seventh year of age, we cannot fail to be amazed at the amount of knowledge acquired during that time. It may be doubted whether, even between the ages of fourteen and twenty-one, the change is greater. In the first place, the child learns a language, and that almost insensibly—in most cases, without apparent effort. There is no need for deliberation how the child must be taught ; but the process goes on from the simplest sounds to small words, then to short phrases, and then to sentences, all as regularly and systematically as if the whole had been arranged by M. Ollendorff. Meanwhile, the child apprehends the various notions of time, space, distance, and colour, with a thousand relations of visible objects and of audible sounds.

And I would lay stress upon the early age at which children appreciate the relation of *why* and *because*. Not only do they understand the connexion of these words, but they actually torture mothers and nurses with perpetual questions of “why” and “wherefore.” I knew a boy who was such a torment, that they called him “Old Why, Wherefore, and When.” It often occurs that a child is not satisfied with a single “because” in reply ; but he wants to know a “why” for that “because,” and the “wherefore” of the “why.”

That a child of four years could learn this relation by experience and reflection alone, I am very slow to believe. This desire seems to be an appetite of the mind as natural as hunger is of the body. I am willing to admit that the development may appear in some cases more than in others ; and we may observe that a disposition of this kind seems to be fostered by early theological training, by speculations upon the origin of evil, the divine constitution of the world, and other high questions. The remarks which children sometimes make on those points go to the very root of the matter ; for, as children are so young in the world, everything is fresh to them ; they have not become accustomed to anomalies and discrepancies.

Practically, I believe that many important results would be obtained, if competent persons would observe and record the attempts of young children to speak, to think, and to argue. In this way, as it seems to me, great light would be thrown upon—(1), the nature and origin of language ; (2), the nature and origin of thoughts ; (3), the process of reasoning, or at least, of argumentation.

And if it be replied, that philosophers and scholars have not

time to make the requisite observations, this is only another argument in favour of female education; for if the mothers could accurately observe the facts and record their observations, that would form a good basis for scientific research.

But fathers might do much, if they would take the trouble. Many men play with their children for half an hour after dinner; and if they would only note down the prattle of their children, the broken phrases, the half-formed sentences, these notes would be of great service to the philologist.

If this were systematically done in various countries of Europe, we should soon see the benefit. The attempts of a French child to learn French, of a German child to learn German, and similar results from other countries, would lend practical assistance in the acquisition of foreign languages. And here, again, though it does not necessarily follow that the natural method is the best, for adults learning a foreign language, still we might borrow useful hints from that method.

On one occasion, I was conversing with a friend resident in the German portion of Switzerland, who had some intention of travelling in Italy. He told me that he had committed to memory a large number of words from the Italian dictionary. "Well," said I, "and how will you manage about the grammar?" "Oh," he replied, "I shall speak in the infinitive mood, as children do." I have often thought of that remark, when listening to such phrases as "Annie love papa," "Willie go down." And in connexion with similar phrases, I have been curious to observe when pronouns first began to take the place of nouns, when, for example, "I love you" took the place of "Annie love papa." Some children realise the notion of "I" much sooner than others; but the early period at which most children talk about "my" and "mine," and their readiness to do battle for the same, argue much for the natural tendency to individual appropriation, and would hardly, I believe, meet with the approval of M. Louis Blanc.

Before we speculate upon the origin of language in primeval times, it seems reasonable that we should consider the attainment of language achieved under our own roof and by our own children. Nothing is more seductive to the imagination than to allow our minds to wander amid the early ages of the world; and the time may come when philologists shall be able to solve some of the great problems which now excite our curiosity. But the first thing is to know how children in different countries actually learn their mother tongue. This knowledge has never been accurately ascertained; and until this step has been taken, the conjectures of the learned must go for what they are worth. If the Association of Social Science shall think proper to take up this question, the scientific results may be most valuable.

## ON FEMALE EMIGRATION.

BY MISS RYE.\*

**M**R. CHAIRMAN, LADIES, AND GENTLEMEN,—Before attempting to give some short account of my wanderings in our Australasian colonies, I desire publicly and gratefully to thank the great God, my Saviour, for His merciful loving-kindnesses that have followed me all my journey through ; for my preservation from fear, from shipwreck, from sickness ; for the love and sympathy I have been permitted to win since leaving you ; and lastly, but not least, for the prospering of my work in the colonies.

I left you rather more than three years ago, on a dull November day, with that bare amount of hope for, and faith in my work, that justified the experiment to my own mind. I stand before you now, to say I am thankful the experiment was made, and that in no way do I regret the past, or shrink from the work I have undertaken.

In such a cursory account as I must give you to-night, I am necessarily puzzled, with so much material to gather from, and so much to speak about, where to commence and what to describe. Do you ask me generally what is my impression of these colonies as a whole ? I answer, "Good ; very good, in every sense of the word." People will tell you of the extreme heat of summer. I answer that that, is infinitely more bearable, and healthier too, than the winters of the northern hemisphere. They speak of the dust-storms, but we have our far more cruel and biting easterly winds. They will tell you of the continual rains of the Auckland isthmus, and of the drizzle of the extreme south of Otago, as if we ourselves had no Scotch or Irish mists ! The great family of the non-contents point derisively to barren spots and indifferent land. Is all Europe alluvial soil, 12 feet deep ? and are we to ignore Arabia Felix because we confess to an Arabia Deserta ? You will tell me that scores of men and women have returned from this "good land" infinitely poorer than when they started. I answer, true ; but in the majority of such cases the failures have been occasioned solely by the worthlessness or absolute incapacity of the individuals who have failed, though, seeing that the race is not always for the swift, nor the battle for the strong, I am at a loss to know why we should expect a reversal in our favour of one of the great laws

\* This paper was delivered as an Address at a Special Meeting held at 1, Adam-treet, Adelphi, June 6, Colonel Sykes in the chair.



of life, simply because we emigrate to the antipodes. All we urge—and a great all it is—is, that while here, for the majority of men and women, the rule is incessant and laborious work, and often a struggle to obtain even that, with a minimum amount of pay; there, it is a maximum of pay for a minimum of work. Do not misunderstand me. Work is work there as truly as it is here. The day labourer at Port Philip, shouldering his ton or half ton, as the case may be, finds the weight as heavy and the daily drag as wearing as our friends here at St. Katherine's. The merchant at his ledger, the barrister in court, the governess with the children—all struggle on very much as we are doing to-day; with this grand difference in their favour, however, that each sees his way to an end. There are more holidays, there is better pay, there are infinitely better opportunities of investing earnings, and no danger of "dying in harness"—the modern martyrdom. The dominant feeling among the people there is hope. You see it in their eyes, in their carriage, in their tone. I appeal to you, can we say the same for ourselves here? I wish I could convey to your minds the painful impression that is now being conveyed to mine by the faces and general appearance of the poor here; how pinched and haggard, and pale they look, after the brightness and health to which I have been accustomed these three years.

As our time is, however, limited, and I understand you are anxious to hear particulars about my own journeys and what befel me by the way, I shall proceed by telling you I traversed New Zealand from south to north, and Australia nearly east to west. With my landing and reception in Dunedin (chief town of Otago)—not my personal reception, that was kind and hospitable enough—you are already acquainted through the press, nor is there any real necessity for me again to refer to these old grievances, as I have every reason to believe that more decent accommodation is now provided for emigrants than when I landed. Of Otago itself as a colony I cannot speak too highly. It boasts of climate and of scenery equal, if not superior, to Scotland and the North of England: of abundance of mineral wealth: of good harbours: fine pastoral and agricultural land (chiefly plains surrounded with grassy hills), and is as good a country for settlement as any I have seen. It was founded in 1847 by a body of Scotch colonists, in connection with the Free Church; but members of other churches have settled there also, and nearly every shade of religious opinion is, as in every other colony, represented by various ministers and churches. Its principal river is the Molyneux, a snow river about as wide as the Thames at Putney. The current was rushing at the rate of some nine or ten miles an hour when

crossed it in a punt on my way to the Umbrella ranges, *en route* for my first experience of bush life in the colonies. The chief points of that journey were the dead bullocks lying on either side of the road; the steam-plough at work in the plains of the Taieri; the Yankee Jehu, who sat with his arms on his knees, talking to his horses—an utter unbeliever in oaths and physical force; and the descent of the passengers on one of the mountain passes, to remove, by summary ejection, an old, lame, frozen, hobbled horse, who had fallen from the crags above into the main road.

It was in this colony I left the hundred young women who accompanied me in the *John Duncan* to New Zealand. I have heard from some, and of, many more since parting with them, and have every reason to believe that, as a whole, they have very materially improved their positions. To the best of my knowledge, not more than six or seven turned out badly, and of these, four had given me false characters before starting. There is no Servants' Home in Dunedin—a real necessity in every colonial town—but I hope to hear, before long, that that want has been supplied. After leaving Otago I went north to Canterbury, the adjoining settlement. We reached this, by easy steaming, in about twenty-eight hours; and, crossing the mountain that divides Port Lyttelton from the body of the settlement, I soon stood on the plains of Canterbury—an immense tract of about 2,000,000 acres of level land. It is nearly all a grass country, and some 100,000 acres of it may be considered good agricultural land. The first railway in New Zealand was commenced in this colony, and the tunnelling through the rock dividing the port from the plains bids fair to rival that of Mont Cenis. The panorama from the summit of this mountain is particularly fine. The snowy range of the Kikorangi flank the plain to the north, while the huge rollers of the Pacific break, in whitened surf, on the 90 semicircular beach to the east. Christ Church, the capital, lies in a saucer-like hollow of the plains, and is an unhealthy, insignificant town. The inhabitants thereof being (with of course a few exceptions) all first cousins of dukes and sisters of earls, it is not considered good taste in polite society to mention either Adam or Eve in this province; indeed, I found in this province that our first parents, when not indiscriminately mixed with other antediluvian animals, are generally considered to have been purely mythical personages.

There is very little timber on the plains of Canterbury; but as there are some 200,000 acres of forest on Bank's Peninsula, that is a matter of minor importance. Canterbury, on the whole, has probably done as much for the labouring classes as any of the

other colonies ; I was going to say in spite of, but rather should say, because of the high price of its land, the upset price of which is 2*l.* an acre. In this respect it forms a remarkable contrast to Nelson, the contiguous colony, which, at the commencement of its colonisation, fell into the hands of the labouring classes, who fixed the price of land per acre at 5*s.* The result of this arrangement has been, that at Nelson nearly all the land was at once bought up by the capitalist, and in no province in New Zealand has the working man so little land as in Nelson. At Canterbury on the contrary, the comparatively speaking high price of land has kept the capitalist in such check, that the working man owns a very considerable portion of the soil. I was very, very far from satisfied with the emigration arrangements to this colony, the ships arriving while I was there were in anything but a creditable condition, and the barracks were nearly as bad as those of Dunedin ; but the ladies have organised a Servants' Home (chiefly through the exertions of Mrs. Edward Fitzgerald), through which 211 girls passed in the first six months, and I believe some efforts have been made since the arrival of the *Huntress* and the *Captain Cook* to improve the position of emigrant ships sailing for this port, but the whole system of the merchant emigration is defective and nothing short of a radical change can meet the case. I am not quixotic enough to believe that I can effect that reformation, but I do most solemnly protest against sending persons of various stations and characters, and of both sexes, on a long sea voyage in the same ship. I do not blame the merchant ; he sells much space for so much cargo. I have little to say to the colonial representatives, who, in a sense, act under orders ; but I blame the colonial governments themselves for not looking more closely into the matter, and for not recognising more distinctly the superior advantages offered by ships chartered by His Majesty's Emigration Commissioners, where discipline, and order, and cleanliness are enforced, and where danger and temptation are reduced to a mere cypher. By all means let the various colonies nominate their own representatives, who as at this time shall select suitable candidates for emigration ; but let the shipping arrangements be left in the hands of the men who have proved themselves so worthy of the trust. I am proud to say that I shall have the honour of working with them in the matter of the Victorian emigration, to which I shall presently allude more particularly. Nor indeed, so strongly do I feel on this point, would I have accepted work on any other conditions.

From Canterbury I went to Nelson—otherwise “Sleepy Hollow”—the land of the lotus-eaters, the garden of New Zealand, the sanitarium of the South. It lies at the bottom of Blind Bay, and has about 50,000 acres of level land in connexion



with the port, but the hills stand round about it so thickly, that the general impression is that of a tempestuous sea suddenly transformed into dry land. One of its greatest charms is its climate, the thermometer generally ranging about  $84^{\circ}$ ; nearly every house, even in the town, stands in its own garden, and trees laden with fruit, and flowers of every variety, greet your eye in all directions. The simple, genial hospitality of its inhabitants, and the kindly interest taken by the different families in the welfare of each other, form a most pleasing and charming feature of its society. Nelson, too, can boast of one true artist, Mr. Bully, a landscape painter, of whom England herself might be proud. Such subjects he has, too, for delineation! I used often to wonder what Holman Hunt and Rossetti would have said, could they only have seen the wonderful sunsets and marvellous lights and colours that I used to see night after night in Golden Bay and off the Arrow Rock. Indeed, the intensity of the colouring in New Zealand, and the clearness of its atmosphere, must be seen, to be believed.

From Nelson I crossed the Mokitapu and visited the Wairau Valley, and Picton (the chief town of the Marlborough province, formerly part of the Nelson settlement), which stands at the head of the Pelorus, one of Captain Cook's most favourite anchoring grounds. There are over 200,000 acres of good grass land in this colony, at present nearly all occupied by sheep-runs. Marlborough and Nelson are both in want of female servants, and have entrusted me with commissions to a limited extent. General emigration is nearly at a stand-still for want of funds, the want of funds itself being caused by the want of workers; for if there is one point more clearly proved than another to my mind by my visit to the colonies, it is that people make places, Canterbury and Queensland, the two most flourishing of all our colonial possessions, and the two great encouragers of emigration, especially proving the point. On my return journey up the Pelorus, I met with a party of sawers, who gave me a row in a Maori canoe, and talked about Kinglake's "Crimea." The scenery, vegetation, and beauty of this ride across the Mokitapu ranges is probably unsurpassable, and I shall never forget the luxuriance of the foliage, the abundance and delicacy of the ferns, the incessant hum of insect life, and later in the day the phosphorescent light gleaming from the decaying wood, the hooting of the owls, and the splash across the river at midnight, to the chorus of dogs, that greeted our arrival on the opposite bank. I was particularly fortunate in this journey, as three weeks after my visit a gold discovery was made on this very spot, when the road became impassable to ordinary travellers. From Picton I returned to Nelson, and from there, by crossing Cook's Straits, I

reached Wellington, the present capital of New Zealand. This province was founded in 1839, and was the first regular settlement established in the colony.

The harbour is very fine, and very nearly landlocked, and is about six miles in diameter. Immediately at the back of the town is the Hutt Valley, with some 15,000 acres of first-rate but heavily-timbered land; this valley is dotted with cleared patches of land and pleasant homesteads, and supports a very large agricultural population. I crossed the Remutaka, the range dividing the great plains of the Wairarapa from the Hutt district; the road over this mountain is very noticeable, being seven miles up and five down, of good breadth and in excellent condition, and of an easy gradient all the way. I crossed the plains of the Wairarapa and reached the head of Palliser Bay, being passed from homestead to homestead, and meeting with nothing but kindness and hospitality all the way. The north-west coast of Wellington was not fortunate enough to visit, but from all I heard, the Manawata block (since then purchased from the natives) is even finer and richer land than that I did see. Wellington, like the rest of the New Zealand provinces, offers a fine field for colonists of all classes, and working women here are also particularly needed. Wellington has consented to work with us, and is, indeed, anxious to encourage emigration, Dr. Featherstone, the head of the local government there, being one of the ablest men in the country. The next place I visited was Hawke Bay, the pastoral district lying north-east of Wellington; here I found large fertile, level, grassy plains, divided from one another by low hills, and intersected with small rivers in every direction. The chief town, Napier, is, of course, only a small town, and can boast of only an indifferent harbour, for, like Deal, it has nothing but an open roadstead; but the land of the Ahuriri plains is wonderfully fine, and I saw farms and farming operations that would have astonished Lincoln and Leicestershire. At present, Hawke Bay offers nearly the best field for emigration in New Zealand, partly because it is very little known, and partly on account of the richness of its soil. I hold orders from Hawke Bay in the matter of emigration, and only hope I shall be able to meet all the orders I have collected. The next and last province visited in New Zealand was Auckland; its chief town, of the same name as the province, stands on an isthmus, having the Manakau harbour on the west, and the Waitemata Harbour on the east.

The land in the neighbourhood of Auckland is of a purely igneous origin, and from Mount Eden, that stands some five miles out of the town, you can see the craters of some five and twenty or thirty extinct volcanoes—there is very little natural grass

out English grasses and all cereals flourish amazingly well, and the short emerald green of the turf covering the sides of the hills and the well-fenced fields, make you think of "home" and our own beautiful Ireland. In some parts, the land is covered with huge blocks of scoria, that have to be picked off before the land can be used,—stone fences are made of these blocks, and such land is not of very much use; but this is exceptional, and not the general character of the province, and is, indeed, limited to a distance of within fifteen miles round Auckland. Auckland proper is a large, dirty, straggling, Wapping-like town, purely commercial, and dependent for its prosperity to a very considerable extent on the presence of the troops. I visited the pensioner villages of Howick, Panmure, Otahuhu, and Onehunga; they are now generally allowed to have proved expensive failures, Otahuhu alone being of any importance, the troops, as at Auckland, being the chief cause of its prosperity. I must speak of the very exquisite colouring to be seen on these roads, and remember very vividly, one bright spring day, riding down these lanes, after a shower—where the deep mauve of the scoria road, edged by a fringe of the greenest grass, the black soil of the ploughed fields, the yellow gorse, thick as clustering bees, surmounted by bunches of peach blossom, the whole flanked by the most intensely blue sea, with whitened crests,—formed a whole, never to be forgotten, and rarely to be surpassed. Owing to the courtesy of General Cameron (to whom I feel greatly indebted), I saw the whole of the Waikato district, and visited the military settlements of Ngruawhia, or Newcastle, the residence of the late king of New Zealand, where the land sold for £100 an acre within six months of its coming into our possession; also Cambridge, Hamilton, and Alexandra, on the banks of the Hurútiu and the Waipa. On this journey I saw millions of acres of good land capable of maintaining millions of people—land never touched by the natives, and lying still in its primitive wildness. Nothing struck me more on my return home (*viâ* India) than the remarkable difference noticeable between the natives of that country and those of New Zealand, for I saw more land brought under cultivation by the natives of India during the few days I spent there, than I saw ploughed by the Maories during the whole two years I was in New Zealand. How I visited Wangari and the Bay of Islands, and saw the spot where good old Marsden first preached the Gospel to the natives—what pleasure I felt in visiting the family of the Williams'—Marsden's successors and fellow-workers—men who have lived and laboured there these forty years or more, must be told on some other occasion, for now, as then, I must say good-bye to New Zealand, or we shall never come to our journey's end. It



was after a buffeting, anxious, foggy night, a night of slack speed, half speed, quarter speed, the last night after a six days run from New Zealand, just as the light came creeping out of the sea and shrouding every shore, and island, and tree, with a golden Claudian haze, mellowing even the sky, so that there was neither bright lights, nor clear distances, nor sharp outlines, that I entered the beautiful and celebrated harbour of Port Jackson—the Ultima Thule of sixty years ago—the highway to fortune for all faithful workers of to-day. Sydney itself is not a beautiful city though in the Woolloomooloo or Bayswater district there are many very handsome stone buildings, and another suburb, which reminded me of Canaletti's London.

The first and most foreign-looking point that strikes the eye in Sydney are the sand hills, sufficiently numerous to be never out of sight, and rarely out of mind; and, after the sand hills, think I must mention the stone quarries, being worked in the very streets of the city. After that I noticed the very large proportion of men and women with vile-expressed faces (remnant of convict life), then the large number of public buildings for the relief of distress (another residuum of convictism) and after that came the cheapness of provisions—meat, 2d. lb. bread, 6d. 4-lb. loaf; tea, 2s. lb.; sugar, 4d. to 6d.; pine-apple 4d. each; apples, 2d. doz.; delicious grapes, 4d. lb.; ducks, 4 pair; and lastly, such flowers! oleanders twenty feet high—huge woody cacti, with starry yellow flowers, and stems thick than a man's arm, and other spider-like varieties stretching over stone walls. Side by side, too, you see continually in the same garden, stumpy apple-trees and graceful bananas—oranges and pears—figs, mulberries, and melons. The castor-oil plant, the tobacco, and the arrowroot, flourish equally well with the sweet william, the foxglove, and the mignonette, while the fields are full of the bottle-brush (*Banksea*), and innumerable varieties of waxy, heath-like plants.

The city boasts of an university—a fine building with the colleges attached, and a small but very interesting museum, which has been considerably enlarged by Sir Charles Nichols. The Sydney churches are both numerous and handsome, and there are two cathedrals, one belonging to the Establishment Church, and the other to the Church of Rome, now both in course of erection. I was particularly pleased with the emigration arrangements and immigrants' barracks in this city, and found them infinitely superior to anything I had seen in New Zealand. All the officers at this port were refreshingly alive to the importance of the work in which they are engaged, and I have the greatest possible pleasure in now publicly thanking them in my own name, and in the name of especially all for

emigrant girls, for the very honourable and sensible way in which they deal with the duties committed to their trust. I am sorry to add, that since leaving Sydney I have learnt that emigration for the next year to New South Wales will cease, the House having thrown out the annual vote for the introduction of immigrants, I believe on the ground that the place is becoming over-peopled—a purely imaginary fear, as you will readily see, when I tell you that the entire population of New South Wales, Queensland, Victoria, South Australia, and Perth, does not equal the population of London. After visiting the Bathurst district with the late Mr. Justice Wise (to whom I am also under very great obligations, and whose early death I deeply deplore), I left New South Wales and went on to the far north of Queensland. I was there in June, or midwinter, so, as I found the heat quite as much as I could stand, I presume it must be nearly unbearable in summer; but the people looked healthy, and seemed to like it, making very few complaints. Brisbane, the chief town of Queensland, stands on a river of the same name, and lies about thirty miles from Peel Island, where the large shipping discharge their cargo. The town is built on slightly rising ground, the whole being flanked by beautifully-formed hills, covered with trees from top to bottom; the public buildings are, with the exception of the immigrants' barracks (which are disgraceful), particularly good and well built, and, when the Eunoggera waterworks are opened, and the town regularly supplied with that great necessary of life, existence in Brisbane will no doubt be more bearable than at present. The fields are full of pine-apples, planted in rows like potatoes, and on the banks of the river I saw grove after grove of bananas, some of them three feet in girth, and from seventy to eighty feet high. Of the *Conway* girls, one hundred of whom I despatched from Southampton a few months before starting myself, I heard very cheering accounts, and I desire now to thank the many kind friends who, on the arrival of that ship, came forward in Queensland and took these girls by the hand, and assisted them in a variety of ways.

In the botanical gardens at Brisbane you see tea, coffee, sugar, arrow-root, tobacco, indigo, cinnamon, and bamboo, all growing side by side, in great profusion, and the camellias were in perfection at the time of my visit. I saw Captain Hope's and Mr. Bigges' sugar plantations at Cleveland, and am happy to say that this costly experiment is likely to prove a success. There is a port at Cleveland, and a small trade in timber. The grass-tree, a shrub peculiar to Australia, abounds on this road. The coast is covered with oysters, and honey is often taken from the trees in this neighbourhood in buckets-full. From Brisbane I went to Ipswich, the first town up the river



after you pass Brisbane. There I found one of the best (though small) hospitals in the country, making up about seventy beds. From Ipswich I was fortunate enough to get on to the Darling downs, a magnificent tract of country. It is high table-land, with a rich black soil of 12 feet deep. There are many fine stations on these downs, some carrying 100,000 sheep, and cattle besides. On the downs you get in the winter frost, ice, and even a little snow, and the climate is infinitely superior to that of the arid coast-line, which is nearly unbearable; so that, in all cases, the table-land is to be chosen before the actual port itself; but under no circumstances would I suffer an invalid to visit this colony, though the place is proper enough for persons of a robust constitution. Wages are good in Queensland, and work abundant—plenty of opportunities for investment; and, if the men will only keep sober, and the women chaste, there are magnificent openings for hundreds of our countrymen yet. Having already complained about the mismanagement of the emigrant ships sailing to this port, and of the most discreditable way in which the people are received on landing, I shall not now again renew the subject. Steps are being taken at last, I trust, to effect some reformation, and I shall watch with great interest, and very closely too, the shipping reports from this coast; a no unnecessary precaution, when I tell you that it is not an uncommon event for ships reaching Queensland to have to report thirty-seven, sixty, and seventy-eight deaths during the voyage.

From Queensland I went to Victoria, the gem of the Australian settlements. The journey is three days from Brisbane to Sydney, and three nights more from Sydney to Melbourne. Port Philip, although it is such a magnificent harbour, can boast of no beauty; and when I saw it first by sunrise, on a cold, grey morning, its low flat shores did their best to tame down even the majesty of the waters. The climate of Victoria is infinitely cooler than that of New South Wales, and, as a natural consequence, the people have bright clear complexions and abundance of beautiful hair. The streets are laid out at right angles, and admirably kept and well watered; the shops are equal to those of Regent-street, and the goods very little dearer; many of the public buildings are equal to our best houses in Pall Mall and Waterloo-place, and the only fault to find with Melbourne is that found by a Dutchman, who was asked the other day how he liked Melbourne. "A fine place!" was the answer; "a fine place; but too far from town!"

People would say to me, at times, especially newly-arriv



emigrants, "Do you think we shall ever get on, Miss Rye? Do you really think there is any chance of our succeeding?" And my invariable answer was a simple pointing to their own magnificent town, and reminding them of the fact, that within fifteen years that town of almost palaces had been built by a body of men who, to their honour be it said, had landed with, on an average, of not 50*l.* per man. My subject is so vast and so interesting to myself, that I fear I shall have exhausted your patience long before I have nearly finished my story. On some future occasion, and most probably in some different form, I shall hope to lay before you further and more detailed particulars of my work. Before leaving Victoria I was fortunate enough to secure the co-operation of that colony with ourselves in the matter of Female Emigration, and I shall hold, from month to month, 150 free passages for single women to that province, and a limited number of the same warrants for families. Having inspected the barracks and the emigration machinery there, and being perfectly satisfied with all the arrangements, and with the very excellent openings in that country for labour of every description, I shall in a short time recommence my work, with a better heart and in higher spirits than ever.

I must, in conclusion, say a few words about the Government Emigration—the work with which I commenced, and which my coadjutor, Miss Lewin, has so carefully and so faithfully carried on in my absence. I have, in no single case, been able to induce any colonial government to work with us in this matter, the refusal being founded on the plea that the monies for emigration are voted for the labouring classes, and that educated women do not come under that head. I will, however, read you an abstract of the work carried on by our little Society since its commencement, and tell you how much we have still in hand at our banker's, presuming, of course, that you are aware of the fact that we work by loans:—

Sent out since June, 1861, 102 women.

To 50 of them advances have been made.

Of these loans 13 are not yet due, 29 have been repaid, 3 are due, and have not been repaid.

Four of the 8 defaulters have written, begging for time, pleading unfortunate circumstances, &c.

Four have taken no steps towards meeting their liabilities.

The total sum become due to the Society since June, 1861, is 665*l.*; the total sum repaid is 469*l.*; Society's balance at banker's, 275*l.*

Salaries range from 100 guineas to 30*l.* per annum.

I think you will agree with me, that a balance of 275*l.* at our banker's for a little unknown Society like ours is very fair ; but I think it is very likely that I shall, before long, have to make an appeal to the public for further assistance for the Female Middle Class Emigration Society, as I shall have no hesitation in advising more governesses to follow the ladies we have already sent. The greatest mistake we have made has been in sending women not accomplished enough ! But, indeed, if persons have only a good moral backbone, I care not who they are, or what their age, profession, or sex—they may go to the colonies, and all do well. Nor is it very material to which settlement they go ; for, in the words of my friend Mr. Fox, “if they be worthy of it, they will all be received with genuine kindness and hospitality, and with a cordial welcome to the country of their adoption.” In conclusion, I must speak once more of the wonderful hospitality and kindnesses I have personally received during the whole of my visit to the antipodes.

I send my many colonial friends my most grateful remembrances and thanks, and must confess that, though I am very glad to see you all once more, and to return to more active work, I was truly sorry to part from them and the beautiful country of their adoption.

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## THE QUESTION OF TEETOTALISM CALMLY STATED.

**D**URING the last twenty-five years, a principle which has acquired the name of Teetotalism has been largely discussed, and it has obtained many converts, the bond of union being a declaration, or pledge of abstinence, from all intoxicating drinks. There are three or four large organisations in England and Scotland for the propagation of that principle, and societies also exist in every town and in almost every village in the kingdom, and the number of total abstainers is variously estimated at from one to three millions of persons. Within the same period another movement has arisen, the offspring of the former, for promoting legislative prohibition of the manufacture and sale of beer, wine, and spirits. The two movements are quite distinct: the temperance or teetotal societies, placing a reliance upon argument and persuasion; the United Kingdom Alliance seeking to subdue the vice of drinking by preventing the sale of intoxicants. To the latter of these movements we shall devote some attention hereafter; in this article we propose to state the views of the older temperance reformers, those who seek to achieve success by appeals to the reason and the conscience. Both these societies are worthy of careful consideration, as they are labouring to subdue the most fearful vice of our country; but although they work for the same end, there is a wide diversity of view among them. Among the ranks of the temperance body, there are many who do not sanction any attempt at legal restrictions, and among those who seek the aid of the law to put down the traffic in excisable liquors, there are some who are not themselves abstainers. Both bodies contain many devoted, earnest, and enlightened men, who by their activity and zeal are diffusing much useful information abroad, creating a public sentiment on the subject of intemperance, and preparing the way for some course of action that may be able ultimately and successfully to grapple with an evil as hideous as it is gigantic.

We need not enter at length upon the evils of intemperance. The statistics of pauperism, insanity, and crime, are always referred to as proofs of the devastation, moral and social, which a love of strong drink produces. There is one fact which presents the case in as strong a light as figures can give it, namely, the people of this country expend upon various kinds of intoxicants about 75,000,000*l.* per annum; 26,000,000*l.* of which, according to the estimate of Mr. Porter, are spent by the working classes. It requires some pause before the mind can fully realise



the magnitude of this expenditure; but its amount is equal to the great bulk of our imperial taxation, that which is gathered from the nation for the support of the crown, and all its civil, military, and ecclesiastical establishments. This is the cost, the mere money expenditure, besides which there is the waste of time and productive energy, and the charges in the shape of poor rates and police rates, and the numerous other charges incidental to such an expenditure. A little reflection will satisfy the candid mind that the two things—the existence of crime and poverty, and the consumption of intoxicating drinks—stand together in the relation of effect and cause, and that it is in vain to expect, after such an expenditure upon a class of pernicious luxuries, any other fruits than a destitute, vicious, and miserable population. Intemperance is the cause of many evils, and it aggravates those it cannot fairly be said to produce.

Bad as the state of things is now, it was much worse at the period when the temperance reformation began. Drinking has always been an English vice. It pervaded all classes at that time and was mixed up with the business, the ceremonies, the hospitalities, and the convivialities of life. There were a great number of artificial and compulsory drinking usages of the most dominant, despotic, and odious character, especially in workshop and manufactories, and many of these still exist. They had the effect of creating habits of drinking among multitudes and confirming them when acquired. Mr. John Dunlop, in his "Compulsory Drinking Usages," has given a detailed account and a description of above three hundred of them. This mode of inebriation by instituted rule and social law is scarcely known in other countries, and may be considered as the peculiar characteristic of British intemperance. There was good reason to fear that this low and degrading vice, so fostered by usage, was on the increase; judges, magistrates, and others, who had the best opportunities of appreciating the effects of intemperance upon the national morals and character, began to speak strongly as to its relationship with the worst class of crimes, and the most abject cases of destitution. There was an undoubted increase of crime and pauperism. The excess of crime over and above the ratio of increase of the population was, from 1805 to 1821, no less than 147 per cent. The increase of pauperism was also appalling.

The subject had excited attention on the other side of the Atlantic. When America had been barely sixty years in existence as an independent nation, it was computed that more than sixty millions of gallons of spirits were annually consumed. The young empire had for some time suffered from the intemperance of its people. It was given, on the strength of the best authorities, that drinking was the parent of three-fourths of the poverty

and crime of that community. Enlightened physicians bore evidence as to its effects upon health, and attributed a large portion of disease, insanity, and premature death to its agency. They asserted that it gave rise to many diseases, rendered some more difficult of treatment, and others positively incurable, and that thirty thousand deaths every year in the United States might be attributed to the use of ardent spirits. The publication of these facts stimulated similar inquiries in this country. The evidence lay on the very surface that drink was associated with the worst kinds of vice and the most revolting forms of depravity; but more rigid inquiry showed that it was not the vice alone of the uneducated, nor of the humbler classes. It gathered its victims from the more intelligent and the more highly favoured. Neither talent, nor high endowments, nor position, nor character made the possessor proof against its fascination. Intemperance had been the blight of many a happy home, had thrown its shadow over many a smiling hearth, and had lured from many an affectionate circle some fair son or daughter, dooming those left behind to mourn a bereavement worse than that which consigns the victim to the grave.

When public attention was once aroused, it was impossible that it could slumber again. In 1834, on the motion of Mr. J. S. Buckingham, the House of Commons appointed a "Committee of Inquiry into the Causes of Intemperance." The evidence adduced before that Committee forms a volume of permanent interest upon a momentous topic. It showed that intemperance was as destructive to the health, morals, and welfare of the people in this country, as it had been in America. It was shown that as a rule the best paid artizans were spending upon strong drinks a large portion of their earnings, and that their families were subject to the greatest privations, and were almost destitute of household comforts, education, and decent apparel. As an example, it was computed that in the town of Sheffield no less than 400,000*l.* per annum were spent upon the single article of beer, being nearly 4*l.* per head for every man, woman, and child in the parish; or 20*l.* per annum for every family of five persons. The licensed houses for the sale of drink in that town were 749, while the coffee and eating-houses, the shops of the butchers and the bakers, flour-dealers, grocers, and tea-dealers, butchers, bakers, fishmongers, poulterers, pork-butchers, fruiterers, greengrocers, and dealers in provisions of all kinds, were only 759, so that the dram-shops, beer-houses, and public-houses for supplying a population of 100,000 inhabitants, numbered within ten all the houses for the supply of food. In Birmingham, the wholesale and retail dealers in intoxicating drinks amounted to 958, while the dealers in food



of all kinds numbered 765. Sheriff Alison, of Glasgow, computed that the sum of 1,200,000*l.* was spent annually in drink in that city, of which sum 1,000,000*l.* was spent by the labouring classes. And, in relation to the city of Bristol, it was shown that the quantity of corn annually made into intoxicating drinks would furnish 10,000 of its inhabitants with bread and flour for the whole year. All these general statements were backed up by information obtained from individual employers. Mr. Kenrick, of the Varteg Iron Works, estimated that his men spent 12,000*l.* a year upon drink, and that in the village of Trevethen, where his works were situated, there were 1762 habitual drunkards, out of a population of 17,190 persons. The returns of the savings banks showed that there were few depositors from the better-paid workman. What was true of the towns just named, applied to our large towns generally.

For some time before this, temperance societies had existed, but they began upon the principle of abstinence from ardent spirits, and moderation in the use of fermented liquors. They led the way to the societies on the total abstinence principle, the first of which was formed in the year 1835. It was seen that the first temperance societies did not meet the case. A large portion of the people got drunk upon beer, as in most parts of England that was the common beverage; other persons in the middle and higher ranks who had sunk into the condition of drunkards, had begun by drinking moderately of fermented liquors; and the spirit or intoxicating agent in both fermented and distilled liquors was proved to be the same, so that abstinence from the latter would meet only a few of the exceptional cases. The old temperance societies had given up the drunkard as hopeless, as almost if not entirely irreclaimable, and they devoted their energies exclusively to warning the sober, and to saving the young generation. Total abstinence met the case of the drunkard, and many drunkards were reclaimed. Many who had been outcasts of society and familiarized to every species of degradation, were won by its invitations, were restored to the bosom of their families, and became teachers of the new doctrine. The principle which was powerful to reclaim, was also powerful to save. It was simple, practical, and practicable. The reasoning adopted by the early advocates was unanswerable. If men did not take drink, they could not become drunkards. If the first step was avoided, they could not be dragged down the ladder, the bottom of which it is difficult to see in descending, but which is strewn by wrecks far more numerous and fearful than ever followed the strides of pestilence or war.

The new doctrine obtained favour. It had been enunciated by humble men, and it found its first converts almost entirely



among the working classes. There was much opposition, because they had to conduct their reform over long-fixed habits, rooted prejudices, powerful interests, and strong appetites. They had to encounter a large amount of derision, and shafts were levelled at them from parties standing at the antipodes of each other, on ordinary occasions. From saint and sinner, punster and politician, religious tract and infidel newspaper, pot-house and pulpit missiles were hurled at the "new fanaticism." Nevertheless, it exhibited a remarkable tenacity. It fastened itself upon some of the more powerful minds among the working classes, and it won its way, by appealing to the popular ear, and basing the appeals upon a clear, intelligible, and properly-defined principle. This is the true way to the public regard, and will never fail to be successful, when the principle proclaimed is a sound one, and the advocates are thoroughly in earnest. The multitude may err as to details—may fail to understand subtleties—but they rarely fail to understand and appreciate a principle. In this they manifest a capacity more apt, and even clearer, than that of the educated classes, and this is proved in the history of many great movements. It was the essential truth of the principle of teetotalism—its inherent power to reclaim and save—and the simplicity of the means which it prescribed, which made it acceptable to so many, and which has placed it so deservedly and pre-eminently high among the social movements of the day.

The principle laid down by the early advocates was supported by equally simple and intelligible reasoning. They pointed to the evils of intemperance, and proposed as a remedy abstinence from that which produced intoxication, and they cited as illustrations the history of their own lives. The earnestness and eloquence of such appeals were unexampled, except in the case of the followers of Wesley and Whitfield, and similar effects were produced upon the minds of the hearers. The argument, reduced to a few words, was this—that, considering the great evils of intemperance, it was a matter of duty, as well as expediency, for all good and religious men to abstain from intoxicating drinks, in order that they might not by their example induce their weaker brethren to sin; and this was supported by a reference to the practice of Christian men in all ages of the Church, in relation to the pleasures, amusements, and gratifications of the world—a practice in accordance with the apostolic injunction, to "shun the appearance of evil." The argument took higher ground, and asserted that an article which was capable of producing such direful effects, was not suitable as a beverage. Without any pretension to scientific knowledge, they judged of the tree from the fruits, and pronounced it an evil tree. They

boldly preferred the question, whether the drink, which was capable of making a man drunk, was a fitting article to be served up at the daily meal, or the social entertainment; and they quoted cases which were then very numerous, but which now have become multitudinous, of men in all positions and ranks in life and of all occupations, who had given up the drinks without any injury to health, to strength, or to ability to labour, and without any diminution of rational enjoyment, and not only so, but with advantage in all respects. Judging merely from facts and observation, they anticipated the results of scientific inquiry which were afterwards embodied in the following declaration and which was signed by above 1200 medical men.

“We, the undersigned, are of opinion,—

“That a very large portion of human misery, including poverty, disease, and crime, is induced by the use of alcoholic or fermented liquors, as beverages.

“That persons accustomed to such drinks may, with perfect safety, discontinue them entirely, either at once, or gradually after a short time.

“That total and universal abstinence from alcoholic liquors and intoxicating beverages of all sorts, would greatly contribute to the health, the prosperity, the morality, and the happiness of the human race.”

This argument was distinct enough: it pronounced again alcoholic drinks as a beverage—as an article of diet. Here is one example of the facts which influenced the conduct of individual men in the adoption of the principle:—A gentleman who occupied a very high and useful position in society became after some years, and much hesitancy and resistance to the usual arguments, an abstainer. He had previously believed that the temperance reformer was relying upon a moral agency to effect that which could only be accomplished by a spiritual one. An incident which happened in his own village did that which the previous argument had effected. One day a most worthy man in the humbler walks of life, who had for many years been a local preacher and a Sabbath-school teacher, had brought a family in credit, and had been a blessing to the neighbourhood, was brought home by two neighbours drunk and incapable. This happening in open day brought a scandal upon the man's religious profession, and became a jest for the scoffing and the licentious. The story was soon told. The man had been several miles to another town to see after a little property bequeathed to him. The solicitor had given him two or three glasses of wine, and on his way home, being overtaken by a shower and a neighbour at the same time, he had called at a roadside public-house, and while there had some spirits a

water. All this operating upon a frame unaccustomed to strong liquors of any kind, and under the elation of feeling attendant upon the success of his errand, produced the effect described, and led to much after-distress to the man, to his family, and to those who knew him. The gentleman referred to said,—“If such are only the occasional results of indulgence in strong drinks; a man filling so honourably a humble station, reflecting credit upon his Christian profession, and leading a blameless and an useful life, can in such a way be brought down, within a few hours, to be an object of public reproach, my duty is clear—to abstain, and to make my abstinence known.” Such may be taken as an example of the reasons which influenced many religious men to become abstainers—reasons which must be respected by all who are governed by the teachings of the New Testament. They did not inquire nor care whether the drink was in itself good or bad; they decided that it was their duty to deny themselves an indulgence with which they could dispense for the sake of those in danger about them.

This is clear doctrine enough. But the great question remains: Are these things good or bad? Is alcohol a necessary article of life? Is it properly an article of food? Is it a benefit or injury to the man in health? And this is the ground upon which the temperance reformer has to be met. Instead of this, the main issue has always been avoided; and even those who did condescend to enter upon the discussion, did so in a most unfair and illogical manner. We have been told, for instance, that the teetotaler called upon others to reject the good creatures of God. He did no such thing! Everything coming from the hand of God is good, but they are not all good for the same purposes, and alcohol does not come, any more than gunpowder, ready-made from the great laboratory of nature. What is alcohol good for? Is it good as medicine? or as a solvent, to be used in the arts? or is it good for food? We have first to determine that question before we are justified in swallowing it as a beverage, in presence of the mischief it produces. Then it was said by religious men that, by preaching up teetotalism as a remedy for drunkenness, reliance was placed upon human means, and that the Gospel was the cure for every vice. They confounded drunkenness with covetousness and other sins, overlooking, at the time, that drunkenness never is, and never can be produced without the introduction of a foreign agent in the system, and that a physical derangement must necessarily be the forerunner of the state called drunkenness. In this view of the case, it seems about as reasonable to expect to preach away drunkenness from the land as it would be to preach away typhus or cholera. In sanitary matters, men do not expect now to avert



the visitations of pestilence by solemn fasts and processions, by public prayers or oblations; they rely upon improved water supplies, cleanliness, and other precautions. They adopt physical means in the treatment of physical evils. In the case of our national intemperance, we must apply the best human means that can be devised, as in all other cases; and, while we apply them, we must unite our prayers with those of the Christian Church for a higher Power to bless the means we have employed.

It is expected by some that sanitary improvements, aided by education, will conquer intemperance. It may be asked, is there no intemperance but that which has been produced by discomfort, or from the want of sufficient education, or from the absence of rational and superior pleasures? Is there no intemperance among those who enjoy all the conveniences and luxuries of life?—is there none among those who are, in the best sense, educated? It is, no doubt, true that discomfort, overcrowding, and a bad sanitary condition, produce an appetite which good food will not satisfy—a craving for stimulants; and that ignorance of the commonest rudiments of school education leaves the mind few resources; and that, in all such cases, there is a tendency to seek recreation and exhilaration in the sensual indulgence of strong liquors. Such a state of existence is not compatible with a life of temperance. There can be just a little doubt that better homes, and improved schemes of education, and rational amusements, would do much to wean the people from the attractions of the pothouse. The mistake is to suppose that such agencies will be potent in all cases, to remove intemperance, and rear up a sober people. Place the poor classes in palaces; and, if they retained the love of drink, the palaces would become as loathsome as the hovels they have left. It just as often happens that the habits of the man destroy the comforts of the home, as that the wretched home destroys the man. It is well to weigh the value of the argument, that improved homes, increase of comfort, and education will cure drunkenness? It is not argued that these things will make the drink innocuous, but that the people will be induced to take less. Then comes the question, whether the evil is not in the drink itself. Is it not philosophically unsound to take that as a beverage which, in no great quantity, is capable of producing intoxication, and which affects the mind more or less, according to the state of health, the temper of the mind, and other disturbing causes? Do these effects indicate dietetic adaptation? Is it not a melancholy truth, that amongst men of literary occupations, and other employments severely working the brain, that intemperance is still found to prevail to a large extent?

gentleman of great ability, high attainments, and amiable manners died a few years ago, one among many similar victims. He had resorted to stimulants under feelings of nervous exhaustion, induced by overwork, and they had acquired an ascendancy over him that he could not shake off, and he frequently took them to excess. He was about voluntarily placing himself under restraint, when he was attacked by fever, which carried him off. His observation, on one occasion, was this: "I can no more resist the drink than I can resist the inclination." There are cases like this known to every medical man. And this is one of the peculiarities of alcoholic drinks—the appetite increases by what it feeds on: that which has satisfied to-day will not satisfy to-morrow. This constitutes the peculiarity and the danger. The drunkard's appetite is primarily a purely physical disease, and not a moral failing; a nervous disorder, rather than a vice; requiring the physician rather than the divine.

Although the subject be inviting we cannot pursue it, but hasten to make a summary of the whole argument. Intemperance is, by universal assent, pronounced the greatest vice of our age, and its effects obstruct the path of the reformer in every field of labour. The general use of intoxicants is sanctioned by the example of the good, and the educated, and the wise. If its use was confined to those who, by their excesses, bring burdens upon the State, the system could not last a year. It is not the habits, tastes, and inclinations of the vulgar which sustain the practice of drinking, but the example of the intellectual, the well-conducted, and refined. The drinking habits of the country do not acquire respectability through the inebriate, but through the moderate drinker. This drink is consumed by all classes, under the belief that it is a good and nutritious article, necessary to sustain health and strength; or, at least, a source of innocent enjoyment. The defence for the practice is founded on the plea that they use, and do not abuse, a good thing. If the teetotaler be right, the use of alcoholic beverages by the men in health is the abuse, and this abuse leads to inordinate indulgence, and to all kinds of excesses. The abstainers sum up by a truism—that if all men could be induced to abstain, there would at once be an end of intemperance; and they very properly appeal to the religious and the educated to consider the question in all its relations. Wherever alcoholic drinks have obtained as the beverage of the people, there intemperance has been found, modified in some degree by climate and the general habits, but still it has prevailed; and this is the history of all nations in all times.

The ultimate standard to which the question must be referred is a scientific one. The opinions of all classes on such a subject

are in a large degree governed by the opinions and the practice of medical men. Are the opinions expressed in the medical certificate we have quoted, and in Dr. Carpenter's Prize Essay, sound? If so, the teetotaler is right, and he can defend his practice not only on the ground of its expediency and morality, but on the ground that it is physically right. This reduces the question to a single issue. It is not affected by the fact that men who have abstained for many years, have returned to their beer or wine. This may arise from fickleness or infirmity of purpose, from laxity of principle, or from conscientious conviction that the drink has become necessary. Neither is the question affected by the change of opinion of individual members of the medical profession. They have to contend with great difficulties, and in none greater than in inducing among their patients an attention to diet. The public will swallow drugs easily enough, but they will not readily abstain from their usual indulgences, and the last they are willing to relinquish are those which are most insidious and dangerous. Besides, medical men, like other men, have their inclinations and their appetites. They are exposed to vicissitudes which suggest a resort to stimulants in their own case, and it would be too much to expect a very strong bias in favour of prescribing total abstinence. They prescribe wine or beer with more circumspection than formerly; and it is also a fact that they prescribe them in many cases in small quantities to allay the fears or meet the prejudices of their patients, and to induce them the more readily to adopt other methods of treatment. This has really little to do with the question. The abstainer does not interfere with alcohol as a medicine; he denies its appropriateness as a beverage, and says that it cannot be equally beneficial in both cases. In the face of the acknowledged evils of intemperance the question is one of vast importance, and every one contemplating the magnitude and virulence of these evils must admit, that if it can be shown that the principle known as teetotalism can be practised with perfect safety and with advantage by the healthy man, then the universal adoption of the principle would become an obligation both as a matter of public duty and personal security, and its universal adoption would confer one of the greatest blessings that it is possible to conceive upon the human family.

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## REVIEWS.

## ALMSHOUSES AND LUNATIC ASYLUMS IN AMERICA.\*

IN 1863 certain Acts in relation to the Charitable and Correctional Institutions of the State of Massachusetts gave power to a Board to investigate and supervise the whole public charities of the commonwealth, and to recommend such changes and additional provisions as might be deemed necessary for their economical and efficient administration. Those who have undertaken this Report must have devoted much time and ability in mastering many of the great principles that underlie these institutions. The Report shows a thorough familiarity with their actual working and condition; an acquaintance with the best administered institutions of the same kind at home and in Europe, while the valuable observations and reflections that accompany the document make it worthy of the notice of all persons interested in the work of reform, so much needed in our own poor laws, prisons, and public charities.

There are many reasons why people should understand more than they do of the principles and government of their social institutions. One very potent one is this, that they are entrusted mainly to local self-government, and are dependent upon the people themselves for approval and pecuniary support.

Every country contains a large number of the dependent and criminal class, who have to be supported by the public or by their friends; there are those who from infirmity of body or mind cannot support themselves; some will not attempt to do it so long as they can possess the substance gathered by others; bad training and bad habits are the cause of more. In the State of Massachusetts, the helpless, dependent, idle consumers and destructives number about forty-five thousand, that have to be taken up and borne along by the body social of the state. The proportion is far less than in most of the civilised states in Europe, where the full extent of suffering, pauperism, and crime is shown by statistics.

In the Report before us, a brief but pertinent allusion is made to the general causes of the existence of dependents, destructives, and the idle members of every community. Among the immediate and chief causes, are inherited organic imperfection and vitiated constitution, or poor stock. Alcohol is considered as a cause of the vitiation of human stock, by reason of the impairment of vital force, from which it follows,

\* Second Report of the Board of State Charities in Massachusetts. Boston: January, 1866. Wright and Potter, 4, Spring-lane.

if there be truth in this view, that the right to use or not to use alcohol passes beyond the sphere of individual rights and comes within the sphere of social rights. If it should appear, upon a faithful investigation of facts, that the children of parents whose systems were damaged by alcohol poison, start in life under such disadvantages that society becomes burdened with paupers and criminals, as a consequence, then it becomes a question whether society ought not to be allowed to restrain and punish such morbid appetites and propensities. Such has been the common-sense law of all nations, in virtue of which the sins of the father are visited upon the children of the third and fourth generations.

Foremost among the measures for social reform, the authors of this Report strongly insist upon those in which the people themselves must be the reformers, those which improve the material condition and daily habits, more especially of those persons who are just above the criminal and pauper class, but whose poverty, squalor, intemperate and vicious habits are tending downwards towards such a class. Improvement in dwellings, the ownership of property, increased facility for buying necessities, decreased facilities for buying stimulants, restriction on exhausting labours, cleanliness in every street, lane, and yard, which the public arm can reach, are measures which cannot be adopted or supported without an enlightened popular sentiment. It is believed that special means ought to be taken for diffusing knowledge as to how men may modify the social conditions that affect longevity or mortality, the duration of working period in human life, on the proportion of the dependent the vicious, and criminal classes to the whole population, and that steady and earnest persistence in this would soon be felt in legislative and municipal measures. "When people come to consider carefully the condition and wants of the pauper and criminal classes, it will be understood that many of them are no more responsible for being in those classes than lunatics are for being insane; that all of them are open to outward influences; and that the best and ablest men should be called to care for them, and to devise ways and means for cutting off the sources from whence those classes draw their recruits." In the United States, as well as the old countries, especially our own, the huge army of incapables, vicious and criminal, including the drunkards and fallen women that infest the streets both night and day indicate the enormous defects in the social fabric. It is difficult to measure the extent of suffering, pauperism, and crime always taxing the wealth and power of those who are struggling for a pure and righteous life, or to estimate the amount of success in the operation of charitable and correctional agencies at work in curing or lessening the mischief committed by parasites on the body social. Such, however, is the vigour of the Saxon race, that society carries the burden even grows rich, and with free institutions confidently hopes it will grow less and less cumbersome.

Philanthropy, however, needs much thought, practical knowledge, and active work, in which the sympathy of the people with the sufferers must be engaged; true charity cannot be done by deputing

and in all legislation, the great aim of government should be to call forth the charitable feelings of the individuals and rely upon them for action.

The Board, in considering these several general principles of public charity, in providing for the poor, the dependent, and the vicious, strongly recommended that society ought to avail itself of existing remedial agencies; one may be called "The family system." "The lack of the family instinct, the craving for a home, the *home feeling* and *attachment* to a place, are the safeguards of society, and unless these feelings are formed in childhood and youth, they are hardly formed at all; the tendency without them is to *vagabondage*, with a growing hostility to those persons who have property, and a disregard towards law and to those who obey it." The disposal of children in the State almshouses, and of education in reformatories, call forth some very excellent remarks on plans for reforming juveniles. The system is strongly recommended of placing them, under certain conditions, in families where they can be subjected to those common social influences which succeed so well in the training of other children. The Report does not give the details of the plan, which would require to be carefully worked out, but it proposes to give reasonable compensation to families or societies for taking apprentices.

Intercourse with good associates is as necessary as separation from evil companions, and this as an agency in reformation. The doctrine of repression is considered exploded. It is proposed that a respectable family who will adopt a pupil from a reform school, and train him in virtuous and industrious habits, keep him comfortably clad, give him a trade, send him to school, at least, in winter, shall not only have the advantage of his services during his minority, but shall be paid therefor a sum not exceeding the actual cost to the State of keeping the boy two years at the reformatory. The average term is now three years. A small portion of the sum may be made, at fixed periods, for clothing, but the bulk be reserved until the end of the apprenticeship, and then paid only upon the conditions that all the obligations of the party had been faithfully discharged. The proof of this would be easy, as the young man or woman might speak for themselves. A poor clergyman, schoolmaster, or tradesman would be glad to assist in the reformation of a boy, if in the good work he had reasonable compensation, and would be more likely to treat the boy properly than if he were, in one sense, more a boarder than a pauper.

The Board take a very enlightened view of the State almshouse system, and point out some changes which their experience in their practical working have shown to be desirable. Our English poor law officers at Whitehall might take a very profitable lesson from the Americans. In 1852, two principles were laid down with regard to paupers: first, that the pauper has only a right to claim the cheapest and coarsest food, clothing, and shelter, to preserve his health; secondly, that for the favour thus bestowed he shall repay the State by work, as far as his health and strength will permit. These principles have been



acted upon, but the Board asks whether they are sound in all respects. They do not consider their whole duty done to an unfortunate and dependent class by barely keeping soul and body together, and that in one State 7000 paupers should not be allowed to drift through the almshouses without some systematic effort at improvement. They believe something more should be done for the comfort and happiness of the deserving, something for the improvement and elevation of the whole, besides enforced habits of temperance, cleanliness, order and industry. Something also can be done without encouraging pauperism and without increasing the cost to the State, if we look beyond immediate outlay to final results.

The Board believe almshouses may be so organised and conducted as to tend to elevate and improve all who sojourn in them, and yet not attract the idle and vicious. The deterrent considerations should not be as they now are, chiefly the poor fare and hard quarters, and we may add the mixture of the deserving with the criminal and vicious, but enforced industry and responsibility afterwards for any expense that their occupants may have incurred. The pauper should understand that he has duties, and that he may be called upon to pay or work out the debt they incur. This may seldom be enforced against a deserving individual, but the fact of a legal claim standing against him would prevent the too frequent abuse of charity kindly administered, and legalised detention for a period sufficiently long to make good the cost to the State for the maintenance of the vagrant class, would be a check upon their admission. Many who now exhaust their resources and strength in "sprees," if, instead of getting a comfortable home and temporary rest in the almshouse, were to incur a debt, which would be enforced by exacting labour, would be deterred from the abuse of a public charity. The means for separating the unfortunate and well-deserving from the vicious and criminal poor is strongly insisted upon in the Report.

The State Lunatic Asylums were all visited by the Board at least once; they report the hospitals as too much crowded, and have too much of the prison about them, and there is a lack of means to keep the lunatic employed. The occupations should be suited to their various conditions, capacities, and tastes; not billiards, bagatelle, battle-dores, and the like, which they have never seen before, and are no more likely to get a taste for them, than they would for the fine arts.

Insanity is looked upon as a feature developing civilisation, but not in itself an inherent and essential one. With more light and knowledge, people are learning the important lesson, that in early stages it is a curable and preventive disease; that there are some patients in hospitals treated as confirmed lunatics, who might have continued useful members of society, and that others, who, if treated with affection by the family, could be tolerated and grow no worse, but if thwarted and scolded will grow worse, be voted intolerable, and sent to an asylum. The establishments, as a whole, are highly creditable to the State, and do honour to the feeling of charity and Christian duty which has promoted them.

The special Report of the Secretary on Prisons and Prison Discipline, containing various matters of public interest, must be postponed for notice in connexion with the English Prisons Act of 1865.

## BRIEF NOTICES OF BOOKS AND PAPERS.

### *Richmond District Lunatic Asylum Report for the year 1865.*

This Report is interesting, inasmuch as it shows the success that has attended the experiment of bringing lunatics under regular instruction. While discipline and order are well maintained, mind and body are occupied in the educational course pursued. The inspector reported 148 as the average daily attendance at school. Reading in the higher classes, he says, is very good; Spelling and Explanation satisfactory; Penmanship carefully attended to in both departments. Thirty men work questions intelligently in Proportion; fifteen in Practice; answering in Tables satisfactorily. Dictation well performed in all departments. Grammar not so well. Geography is taught with maps very successfully. These and other facts are calculated to give permanence and extension to the system, as a moral means of treating the insane, and it is to Lord Wodehouse that we are mainly indebted for a measure which enacts that a system of education be authorised in those asylums where the governors are disposed to adopt it, subject to certain regulations issued last year by the Lord-Lieutenant in Council.

*The Local Courts and Tribunals of Commerce.* By R. M. PANKHURST, LL.D., &c. Manchester: Simms and Co.

To bring justice home to men's doors, and there to administer it with efficiency, economy, and dispatch, has been the aim of the philosophical jurist, and constitutes (says Dr. Pankhurst) one great end of the English constitution. And in view of the present position of affairs, what is now wanted is a clear, direct, and constitutional provision for the local administration of justice. The modern County Court system is a great approximation towards the full recognition of the principle; it was founded upon a real and deep want. It is proposed to establish Tribunals of Commerce, with powers for the decision of commercial disputes, to hear and decide issues without leading; authority to direct, on the consent of parties, that matters of fact connected with the customs of merchants may be referred to the arbitrament of a chamber of Commerce or other commercial body; provision for referring to an officer of the court such cases as litigants might consent to submit to his arbitration, or might agree should be committed to his decision. In this pamphlet the author displays a knowledge of the machinery of local courts, county courts, assizes, and superior courts of ancient and modern laws, and has made valuable and practical suggestions for the local administration of justice.

*Fires, Fire Engines, Fire Brigades, with the Construction and Management of Steam Fire Engines.* By C. F. T. YOUNG, C.E. With Illustrations. London: Lockwood and Co.

This very complete work cannot fail to be of great use, now that the subject of volunteer and paid fire brigades and fire engines is attracting a considerable amount of attention. There is no general law in Great Britain for providing or regulating re-extinguishing arrangements. The engines and appliances of a number of our large towns and cities are in a state of lamentable neglect and disuse, fire escapes are rare, parishes as a rule are not inclined to provide funds, or to organise a body of trained men. The supply of water from pumps, rivers, or water-works is very uncertain. In London, the Metropolitan Fire Brigade Act came into operation in January of this year, and its working is intrusted to the Board of Works; it is a very imperfect piece of legislation, inasmuch as it does not provide for the custody and protection of insured property, thus rendering a salvage corps a necessary adjunct. It is much to be

regretted also that the Act has materially damaged the interests of the public in the Royal Society for the Protection of Life from Fire. The existence of this staff of well-trained men with eighty-five fire-escape stations and ladders, depends still upon voluntary contributions, while the public are naturally led to conclude that the promoters and framers of the Bill would rather have the Metropolitan Board take charge of all duties that concern the security and escape of persons from houses or other buildings on fire in the metropolis. For this, and other cognate subjects in relation to fires, rules for fire brigades, &c., we would refer our readers to this most excellent work.

*Lending a Hand; or, Help for the Working Classes.* By the Author of "Doing and Suffering." London: Seeley and Jackson.

Those who are acquainted with the previous works of the lady who has produced the present volume, will know what to expect in this work. Her object is to show what there is to be done for the working men of this country, and how every one can help in the work. There is something truly refreshing in the honest and hearty way in which the authoress deals with the subject. Whilst repudiating anything like disbelief in the power of true religion to produce a change in the heart as well as in the conduct of man, she shows how many ways there are of reaching the hearts of our fellow-creatures, independent of the preaching of doctrinal religion. Her first chapter is devoted to the family life in the workman's home, in which she discloses with painful truthfulness the picture of too many homes amongst our working classes. In her second and subsequent chapters, she devotes herself to the question of how to make working men's homes happy. This part of her subject she closes with a description of the workman's home at Millhouse. To many of our readers all that here dwelt upon is familiar, but the subject will be new to many, and what is really wanted in society at the present day, is a more extended knowledge of the condition of the poor, amongst the wealthy, and a deeper conviction that much of the misery and wretchedness under which the poor labour may be removed by the exertions of those who are better off. This part of the subject is followed by chapters on the workman's Sunday, domestic servants, and beggars. The work finishes by a chapter on the sick poor of London workhouses. Deep is her conviction of the cruelty and wickedness practised in the name of charity, and under the sanction of officers of the Government and Church in our workhouses. She is earnest in advocating the cause of the Association for the Improvement of London Workhouses; but if the facts with which the authoress was cognisant a month ago gave her appeals for investigation and improvement more earnestness than anything else in her pages, what must be the urgency of the case, now that further inquiries have shown that not one-half of the evils of our workhouse system had, at the time she wrote, been revealed? Without in any way committing ourselves to the opinions of the authoress we cordially recommend this volume to all who are anxious to lend a hand in the great work of ameliorating and improving the condition of their fellow-creatures. It is not by a perfunctory giving of money to a charity, however excellent that may be, that real good in the world is to be done. There must be something more; there must be the moral sense, that can receive the highest pleasure from knowing that a human being has been made happier and better by self-denying exertions—a deep conviction that it is "more blessed to give than to receive." We think this book calculated to sustain and develop this noblest of human capacities.



## MONTHLY CHRONICLE.

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**Mortality in the Great Cities of Britain in May.**—The following are the returns of deaths published by the Registrar-General, and made up for the month of May from his weekly returns :

1. Leeds . . . . .	39	per 1000 annually.
2. Liverpool . . . . .	38	” ”
3. Sheffield . . . . .	35	” ”
4. Glasgow . . . . .	32	” ”
5. Salford . . . . .	31	” ”
6. Newcastle . . . . .	28	” ”
7. Edinburgh . . . . .	28	” ”
8. Manchester . . . . .	27	” ”
9. Hull . . . . .	27	” ”
10. London . . . . .	26	” ”
11. Dublin . . . . .	26	” ”
12. Birmingham . . . . .	26	” ”
13. Bristol . . . . .	25	” ”

The annual ratio of mortality of the whole is 30 in the 1000. For the first month since the beginning of the year, Liverpool and London, as first and last in mortality, have changed places. Leeds takes now the highest position. The mortality of Leeds has been getting up since the beginning of the year; and its present high mortality is anything but creditable to its local and sanitary authorities. It has not the excuse of Liverpool, of being the largest seaport in the world, and having the most crowded population of any town in the United Kingdom. Bristol, Birmingham, and Dublin all present a lower mortality than London for the month of May. It would be very desirable if the Registrar-General could give with the percentage of mortality the nature of the diseases which were prevailing. If they were divided into zymotic and non-zymotic, it would indicate whether the mortality was due to some permanent cause, or to the prevalence of contagions which active supervision ought to prevent.

**Zymotic Diseases in London in May.**—The following is the number of cases of the diseases named, taken from the Registrar-General's "Weekly Return of Births and Deaths :"

Small-pox . . . . .	101
Measles . . . . .	239
Scarlet fever . . . . .	80
Diphtheria . . . . .	14
Whooping-cough . . . . .	438
Typhus . . . . .	206
Diarrhoea . . . . .	61

There is evidently a tendency, on the whole, towards diminution of the zymotic class of diseases, and this is probably the cause of the diminution of mortality in our large towns throughout the country. The present list is, on the whole, gratifying, as showing, in the first place, that diarrhoea is not greatly on the increase, and that there were not so many cases in May as in March, when there were 84 cases. The return of typhus is lower than for any previous month of the year; and scarlet fever and diphtheria present a very large diminution. Measles maintains its high mortality, and whooping-cough is higher in May—the month that is said always to cure it—than for any previous month of the year. Some of the results of these diseases in the month may be accounted for by the temperature, which has been lower by three degrees than the average of the last thirty years. Some days in May the temperature has been ten degrees below the average. Small-pox has a lower figure this month than last, but is still disgracefully high for the land which gave Jenner birth.

**Public Health Bill.**—The Bill now before the House of Commons contains some useful clauses. Among nuisances to be abated by the authorities are to be included: a house or room so overcrowded as to be dangerous or prejudicial to health; a factory or workplace not already under the operation of the Factories or Bakehouses Acts, not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, dust, or other impurities generated in the course of the work, that are injurious or dangerous to health; a fireplace or furnace for working engines by steam, or in any mill, factory, &c., which does not, so far as is practicable, consume its own smoke. But this last part of the clause is not to come into operation for a year, in places where at present there is no law compelling such consumption of smoke. A penalty not exceeding 5*l.* is imposed for exposure in any public place, or public conveyance, of any person suffering from a dangerous infectious disorder, without proper precaution against spreading it; and there is a like penalty on the owner or driver of a public conveyance who does not immediately provide for its disinfection, after it has, with his knowledge, conveyed any such sufferer. Carriages for the conveyance of such persons may be provided by the local authorities. The sewer authorities may compel the owner of any house in their district, which is without effectual drainage, to remedy that defect. The Bill also gives power to the justice to order the removal of dead bodies where they remain amongst the living and are nuisances injurious to health. Various other powers are given by the Bill to the sanitary authorities for the sake of the public health.

**Medical Council of Great Britain.**—One of the features of the past month has been the meeting of the Medical Council. Although its proceedings are supposed only to interest medical men, and its existence scarcely referred to by the general press, it nevertheless represents the interests of a profession, the importance of whose functions to the public can scarcely be overrated. The Medical Council of

Great Britain was called into existence by the State, for the purpose of superintending the education and examination of medical men, and afterwards securing their due registration in a register published under their authority. The powers given to this body by the State are, perhaps, more extensive than to any other independent body. The Council is elected partly by the Government, and partly by the medical institutions of the country. They have no power themselves of examining, but of controlling and inspecting the examinations of all universities and colleges granting medical diplomas and licences. It must strike every one that the functions of such a body are unprecedented, unnecessary, and anomalous. It is only those who watched the struggle of the medical profession to emancipate themselves from the thralldom of seventeen or eighteen bodies, to whom the Government, in its utter disregard of the requirements of the public, had granted powers of examining, licensing, and rejecting, who can understand the nature of this body, and know fully that it was a compromise that was only to serve a temporary purpose. The question which now ought to occupy the attention of the public and the medical profession is as to whether the time has not come when the examination and licensing of medical men cannot be put upon a more rational basis than exists at present. It is very clear, from its history, that the Medical Council cannot control the examinations of some of the bodies who grant degrees and licences, and they send forth practitioners so utterly worthless that the Government, little particular as it has been compelled to institute especial professorships and examinations for the education and examination of gentlemen entering the public medical services. What Parliament ought to have done at first, and must do now, is to constitute an examining body of its own, before whom it should require every one to appear who wishes to be placed upon the Medical Register. This examination should be efficient, thorough, and comprehensive. No questions should be asked, and no certificate required, as to how, when, and where the candidate got his knowledge. That knowledge should be tested by practical examinations. The candidate should be made to dissect, to analyse, to treat patients, perform operations on the dead subject, and exhibit practically a knowledge of his profession, before he is given his final licence to practise. All power to grant licences for practice should be withdrawn from all other bodies. The universities and colleges existing should still have the power of conferring degrees and granting diplomas; and, along with his licence to practise, the medical man should be entitled to register his degrees and diplomas, wherever they have been granted. Such a plan as this can alone save the profession from such interminable discussions as those which have been recorded in the medical papers during the last month. The object of a Medical Council, constituted as the present one, can never be for the good either of the profession or the public, as they represent the interests of colleges and universities whose duty it is to regard their own individual advancement and welfare. The system of requiring attendance on long courses of lectures, costing large sums of money to the student,



and paying high sums for diplomas and licences, is directly encouraged by the existence of the present Medical Council; and the next step that must be taken by the public and profession is to get rid of it altogether. Its members are already aware of its utter incapability of doing any further good, and the sooner the Government or Parliament resolves to act vigorously in the matter, the better it will be for medical men and the public.

**London Cabs.**—Sir Richard Mayne, in his evidence before the City Traffic Committee, would not admit that the cabs of London are the worst to be found in any civilized part of the world; but he owned that they were “not what he wished them to be,” and could not name any particular place where the public vehicles are more disgracefully bad. But the reason why the London cabs are so inferior is also to be found in the evidence of the same official. The law is that no licence shall be granted by the Inland Revenue Office for a cab, except upon a certificate from the Commissioner of Police that it is fit to be used for the purpose. “When that certificate is given,” says Sir R. Mayne, “the cab is perfectly fit, but that does not prevent the owner from immediately using another cab than that to which the certificate has been given.” No mark can be put upon the cab showing that that cab only is to be licensed and used; but when a cab is once licensed the proprietor may apply the licence to any other cab. He may have a number of bad cabs in his yard, and can use them when he pleases having once got the licence.” That is to say, a man having one good cab and a number of filthy, ragged, rickety old cabs, can get licences for all the latter on the strength of the one decent vehicle, which he can exhibit to the police whenever he seeks a certificate. The present system is therefore a mere farce. Of course, if the police see a cab in a very decayed and tumble-down condition, or otherwise unfit for use they can summon the owner before a magistrate, and, having got a conviction, can prohibit the further use of the vehicle. But the only real check is to be obtained by throwing the onus of showing that his cabs are in proper condition on the owner, and insisting on a careful inspection of all cabs, together with the horses and harness, at short intervals—say every one or two months. If a proprietor were called upon to exhibit all the cabs in his yard on one day, it would directly be seen whether the conditions of the licences were honestly complied with. There ought also to be a power of summarily withdrawing licence when a cab is used for the conveyance of dead meat, or put to other improper uses.

**Hydrophobia.**—During the month of May, Dr. Lankester held two inquests on cases of hydrophobia, making three cases in the central district of Middlesex since the beginning of the year. Other cases have been recorded in various parts of London and the country, so that there can be no longer any doubt that canine madness is spreading among dogs. If measures are not taken to suppress this disease at once, it may assume alarming proportions before the public are really aware of its existence. There is a notion abroad similar to that which exists

about the cattle plague, that it is a disease generated under peculiar circumstances amongst male dogs. Now it cannot be too widely known that it is a contagious disease, and that it is communicated by a poison secreted in the mouth of the dog, usually by the bite of a dog. That female dogs are liable to it is shown by the fact that one of the cases above alluded to, was that of an aged lady eighty years of age, who was bitten by a bitch who some weeks after had pups and died, without any symptoms of rabies. In such cases, the dogs have been bitten by other dogs, and thus received the disease. There can be no doubt that the practice of allowing vagrant dogs to roam about the streets, and for whom no one is responsible, tends to keep up the disease of hydrophobia. These dogs bite dogs who have owners, and thus carry the danger of this disease wherever dogs are kept. It appears that the police laws are sufficient to check the practice of allowing unowned dogs to wander about the streets, and it is wonderful that, with the knowledge possessed by the police of the existence of hydrophobia, measures are not taken to clear the streets of this dangerous nuisance.

**London Workhouses.**—The revelations made by Mrs. Beeton on her examination before the Poor-Law Commissioner are so distressing and horrifying, that the Poor-Law Board or Parliament must be compelled to take some steps to mitigate the evils which have thus been laid bare. The Association for the Improvement of Workhouses are anxious that the care of the sick and infirm should be withdrawn entirely from the ordinary working of the workhouse, and from the superintendence of the Boards of Guardians. It is perfectly true that the evidence of the utter incompetence of the Boards of Guardians, as at present constituted, to control or take care of the sick, would justify recourse to this extreme measure. But any measure of this kind must be sanctioned by an Act of Parliament, and there would be little chance of passing such a measure during the present session; and the evil is so pressing—too imminent—to admit of delay. The revelations of the Holborn Union, St. Giles, the Strand Union, Rotherhithe and Paddington workhouses have been accidental. It may be fully relied on that the same disgusting brutality is going on in the majority of the workhouses throughout the kingdom. Boards of guardians, masters and matrons, parish medical officers, and pauper nurses, are the same everywhere. Are these horrors to be stopped at once, or are we to wait for legislation? If the Poor-Law Board and the Privy Council are in earnest about putting a stop to these evils, they may at once do much with their present powers. The Poor-Law Board can do much. They can at once issue orders, which, if they are not obeyed, will put Boards of Guardians in the wrong, and thus make legislation easier. They could at once order that paid and efficient nurses be placed in sick wards, instead of the present inefficient pauper nurses. They could at once signify their intention of not confirming the dismissal of medical men, who have been discharged by Boards of Guardians for the performance of their duty, and make the medical officer entirely independent of the Boards of Guardians. They could also employ an additional number of



inspectors, with power to investigate the workhouses throughout the country, not in the off-hand, perfunctory manner in which inspection has hitherto been carried on, but in the more satisfactory manner in which the Lunacy Commissioners carry out their functions. There is another measure which we would at once press on the Privy Council or the Home Secretary, and that is the necessity of inquiry into every death in a workhouse, by a coroner's jury. The whole of the deaths that occur in our workhouses are at this moment under suspicion, and would justify the coroner in every case in holding an inquest. He is only deterred now by public opinion, and if the Privy Council or the Home Secretary would direct the attention of the coroner of the county to the necessity for such an inquiry, there is no doubt that the law as it now stands would justify the coroner in issuing his precept for an inquiry in every death that occurs in a workhouse. The institution of the coroner's inquiry has been attended with the best effect in our lunatic asylums and prisons, and why should we deny to our sick poor that inquiry which has been so powerful a means of promoting the comfort and welfare of the lunatic and prisoner?

**The Cattle Plague.**—We hope this number to take leave of the Cattle Plague. On the last weekly return, the number of new cases was below one thousand. The appearance of new cases of the disease in Ireland shows most clearly that the first cases reported from that country were the true rinderpest. A report from the Veterinary department of the Privy Council Office, in Dublin, states that post-mortem examinations had been made at Drumra, near Lisburn, with the result of satisfying the Government inspectors, together with Messrs. M'Kenna and Litt, of the Royal College of Veterinary Surgeons in England, that the disease was unmistakably rinderpest. The joint testimony of the surgeons was that the animals, on dissection, presented the signs of cattle plague as decidedly as any cases they had seen in England. Six animals had died, and one had been slaughtered. A cordon four and a half miles in circumference was immediately established, and a special meeting of the Privy Council took place at Dublin Castle, at which a proclamation was prepared, prohibiting the export of cattle from Irish ports, except accompanied with a certificate as to non-contact with diseased animals, or departure for shipment from a tainted locality, to be obtainable only from a duly authorised Government inspector. This order came forthwith into force in the port of Dublin, but will be extended to other ports as the Government think necessary. The farm, of some 30 acres, on which the plague has broken out afresh, is occupied by a tenant of the Marquis of Downshire, and is within half a mile of Drennan, where the disease formerly manifested itself. It is a secluded spot, and, so far as is known, there has been no communication between it and the Drennan district. The particulars of the post-mortem examination have been communicated to the Government, and correspond with the symptoms of plague in the circulars lately issued for the information of the farming community:—The fourth stomach was found extensively diseased, and had a plum-coloured redness; the head of the



great intestine exhibited the zebra markings; the windpipe was intensely red, in patches; there was effusion of air under the skin of the whole trunk; the root of the tongue was abraded in a mouse-eaten way; the corners of the mouth raised and red. The adoption of those active measures, which we have so strenuously advocated in this journal from the beginning, has once more prevented the spread of this dreadful disease.

**The Ladies' Sanitary Association.**—The Committee commenced work on the 1st of October, 1857. Since that date they have issued eight reports. Four hundred and forty-two members only have joined the Association in eight years. Twenty of these have been life members, having subscribed from 10*l.* to 200*l.* each. Two hundred and ninety-five members are now on the list, twenty-eight of whom have joined within the last nine months. The average yearly receipts, 60*l.* With this small sum the Committee have issued fifty tracts, of which nearly a million copies have been published and circulated. Many of these have been translated into several languages, and the Committee are constantly requested to permit their further translation. Through their distribution, efforts have been made to form sanitary associations in France, Germany, Prussia, Holland, Naples, Hungary, New York, and Hobart Town. They have been carried into America, Australia, India, China, and Africa. They are welcomed in hospitals, working men's clubs, lending libraries, Dorcas societies, mothers' meetings, and schools. They are distributed by the clergy of all denominations, Scripture readers, City missionaries, sisters of mercy, Bible-women, and sanitary missionaries. The sale of sanitary tracts last year nearly doubled. The Committee have published a sheet almanac, entitled "The Home Almanac." Nine thousand copies have been sold. About 14,000 Sanitary Reports; 4000 of the tract entitled "Dress, and its Cost;" 1000 papers on "Overwork," and 2500 of the paper entitled "The Dance of Death," have been published and circulated gratuitously by the Committee. A Free Library of Sanitary books has been formed, and the books have been constantly lent for the last six years. Thirty-one courses, or two hundred and thirty-three lectures, have been given on Chemistry, Physiology, and Public Health. Seventeen of the courses have been free to the working classes, who have collected in crowds to hear them. No expense has been spared in the illustration of these lectures by experiments, diagrams, models, &c. They have been delivered all over London, from Mayfair to Spitalfields, Hackney, Paddington, Mile-end, St. Pancras, Lambeth, Battersea, Camden Town, Agar Town, Islington, Marylebone, Aldersgate-street, Clerkenwell, &c., &c. Many lectures besides these have been given in connexion with the gymnastic classes, which have been formed in "The Home and Colonial Training College," "The British and Foreign Training School," "The St. John's Servants' Home," and in various schools for the poor. Sanitary meetings have been held all over England by a member of the Committee, Mrs. William Fison, who for three years devoted the principal part of her time to reading sanitary papers to large meetings of the upper and

working classes in above fifty of the large towns in England. After Mrs. Fison had introduced the subject, discussion was invited, and sanitary work proposed. The Committee have called attention to the bad water supply in many agricultural districts; to the difficulty the poor have in obtaining milk for their families, in consequence of the trouble it gives to the farmer, and have suggested means which, in some instances, have been adopted with success. The Committee have also made efforts to call public attention to the dangers attendant on the use of emerald green in the manufacture of flowers, and other articles of dress and furniture, with great success. In 1863 the Committee drew the attention of the public to the subject of "Overwork, and, after a lecture by Dr. Richardson, called numerous meetings which resulted in the formation of "The London Dressmaking Company." An establishment was opened on the 25th of March, 1865, at 18, Clifford-street, Bond-street, when the Bishop of London gave short address. The sanitary regulations are superintended by Dr. Lankester, and fifty young women are now employed there, under conditions which are not injurious to health. The Committee have sent out during the last five seasons 1358 parties of the poorest children in London, from the ragged schools, &c., into the parks, for fresh air and healthful recreation, providing toys, and, where the parents cannot afford it, giving a slice of bread to be eaten in the parks; paying guides, who are generally the masters and mistresses of the schools, to conduct the children to the parks, and keep them there three or four hours, twice in each week, during the summer months, in each year. Thus 91,852 poor children have been benefited in health and spirit. Branch associations, doing like work, have been formed in Aberdeen, Bath, Brighton, Reading, Oxford, Dublin, Glasgow, Paisley, Leamington, Greenock, Bristol; and others are forming in Inverness, Huntly, Forres, Edinburgh, Dundee, Cardiff, Birmingham, and Birkenhead. They distribute tracts, give lectures, send out park parties, preach sanitary sermons on Sunday evenings, establish day nurseries, have their depots for pails, brooms, brushes, whitewash, syringes, disinfecting fluids, &c. They cleanse the houses, visit the sick, have mother's meetings, cooking classes for girls, physiology classes for boys, hold their flower shows, and give flannels to the poor. One branch at Greenock has 100 visitors from the different churches out among the poor, and has distributed above 60*l.* worth of sanitary tracts in a year. Another, at Leeds, has given away some hundredsweight of soap. Another, at Paisley, has cleansed 671 houses, 201 of which were infected with fever, in one year. Out of the branch at Oxford a joint stock company has arisen for building suitable dwellings for the poor. But the half cannot be told. These beautiful associations are spreading knowledge, health, peace, purity, and beauty everywhere. Funds are urgently required to carry on the work. The Committee closed their financial year with 18*l.* in hand. This season the lectures have been stopped. Next season the park parties must be stopped, unless this appeal is responded to.—Secretary, E. S. Griffiths; One, 14A, Princes-street, Cavendish-square, London.

**Commons (Metropolis) Bill.**—This Bill appears to be based on the recommendations contained in the Reports of the Select Committee of last session, appointed to inquire into the best means of preserving for the public use the forests, commons, and open spaces in and around the metropolis. It is proposed by the Bill to incorporate "The Commons Metropolis Commissioners," consisting of (1) the First Commissioner of Works; (2) the chairman of the Metropolitan Board of Works; (3) one Inclosure Commissioner, and (4 and 5) two nominees of the Crown. It is well known that Mr. Alcock, when M.P. for East Surrey, generously offered to devote to the public his interest, as lord of the manor, in the Banstead Downs. The Dean and Chapter of St. Paul's are willing to follow his example with respect to their interest in Barnes Common, and the Crown is willing to do the same with respect to part of Blackheath. There is reason to expect that these examples will be followed by other lords of manors. The Commissioners will be enabled to accept conveyances in such cases, and to hold the lands conveyed as trustees thereof for the public. The Inclosure Commissioners are to be prohibited from sanctioning any inclosure within the limits of the Bill. In all other respects the Bill may be regarded as one which leaves altogether untouched by its operation the rights of lords of manors, commoners, and the public. It is proposed to confer on the Commissioners authority, on the request of a lord of the manor or of a commoner, to make inquiries as to the condition of any common, and to prepare a scheme for its management and protection from nuisance, to be submitted to Parliament for confirmation by a general Act, following in this respect the precedent of the Inclosure Commission. But in any case in which a petition is presented to Parliament against a scheme, it may be referred to a select committee as a private bill, and every other precaution is taken against interference with rights of property. The area of the Bill is the present metropolitan police district, within which area there are about 180 commons, comprising about 10,500 acres, the preservation of which as open spaces is becoming more and more important, and less easy, as London extends its buildings into the country. A very considerable number of these are, in fact, village greens, over which the public have undoubted rights of recreation, and as to which some mode of management is urgently needed. At present there is no authority competent to inquire into the condition of any of these commons to ascertain the legal rights affecting them, or to facilitate the making of any arrangements which would preserve them as open spaces, and the Bill would remedy this defect. It must be borne in mind that every session sees a large increase of London, and a consequent addition to the difficulties which this subject is involved, and, therefore, that it is highly expedient that no delay should take place in passing this Bill. The Commons Preservation Society, who have only the public interest at heart, earnestly desire the passing of the Bill. Even those who might have desired a somewhat different Bill, must see that no other is possible this year.



## PROCEEDINGS OF SOCIETIES.

### THE REFORMATORY AND INDUSTRIAL SCHOOLS BILLS.

At a Conference of Managers and others interested in Reformatories and Industrial Schools, held at 1, Adam Street, Adelphi, under the auspices of the Social Science Association and Reformatory and Refuge Union, on Tuesday and Wednesday, the 19th and 20th of June, to consider the Reformatory and Industrial Schools Bills now before Parliament, the chair was taken by the Right Hon. C. B. Adderly M.P. Amongst those present (many of whom took part in the discussion) were Col. Sykes, M.P.; Col. Grey, M.P.; R. C. Hanbury M.P.; Stephen Cave, M.P.; Arthur Mills, Esq.; E. Antrobus, Esq. Mr. T. B. Baker; Mr. G. W. Hastings; Mr. Sheriff Thomson; Mr. J. McGregor; Sir Walter Crofton; Rev. Sydney Turner; C. Walters Ishmael Fish, Deedes Bryan, &c.

Several letters were received from persons unable to attend, and amongst the most valuable were the following:—

Heath House, Stapleton, Bristol, June 15, 1866.

MY DEAR SIR,—On Sunday last I received by the kindness of a friend a draught of a Bill to “Consolidate and amend the Acts relating to Reformatory Schools in Great Britain.” By the 11 sec. juvenile offenders under ten years of age were disqualified for admission into a reformatory, and the same section contained provisions interfering with the religious instruction of the inmates, which appeared to me highly inexpedient. The unqualified restriction as to age has, it appears, given place, not, as had been told, to a complete abandonment, but to a provision in the 12th sec. which is, upon the whole, as bad, or, perhaps, even worse than that which it supersedes. It is that a youthful offender, if a male under the age of twelve years, and if a female under the age of ten years, shall not be sent to a reformatory school unless he or she has been previously convicted of some offence punishable with penal servitude or imprisonment, or is sentenced in England at the assizes or quarter sessions; that is to say, the magistracy of the country is to be deprived of the power which it has now exercised for twelve years of disposing of young offenders according to the circumstances of each particular case. This attempt to fetter the discretion of the magistrates, and to deprive young children of the protection and training of a reformatory school, is not a new project. It was devised several years ago, causing deep concern to the managers of many reformatory schools, exciting very natural indignation in the minds of magistrates, and its abandonment was hailed with great satisfaction, allaying feelings which had they been strengthened by perseverance in the change proposed must have had the very worst effects on the welfare of the reformatory system applied to the young. The committee of the Kingswood Reformatory School at Bristol, in their published Report for the year 1862, thus record their opinion of this ominous enterprise:—With regard to “a subject which has been much before the committee of late, viz., the propriety of committing juvenile offenders to a reformatory on a first conviction, some of the committee have had experience extending over a very long period in the management of reformatory schools. Others of them are magistrates, and are conversant with the principles which guide their brethren in themselves in directing the destination of young offenders. When a probability exists that by restoring a lad to his friends (where he is so fortunate as to possess

honest and faithful guardians) he will be reclaimed, it is justly considered an abuse of the funds of the State and of private charity to send him to a reformatory. But the committee cannot agree in the opinion that the decision of magistrates ought to turn on the fact that the offender has been convicted more than once. Many lads are well known to have offended so often before their first conviction, that to permit them to remain at large or to go at large after a short imprisonment, with or without a whipping, is to consign them to certain ruin, and to entail great future evil and much loss on the community. Again, a lad may have committed only a single offence, and yet the untrustworthiness of his relatives may be such as to make his commitment to a reformatory the only alternative between safety and destruction. That the number of prior convictions is an important circumstance for consideration cannot be denied, but to construct an inflexible rule by such a criterion, or to encumber magistrates with applications to the Secretary of State, would, in the opinion of this committee, embarrass the proceedings of Courts of Justice and all but paralyse the reformatory system." The power you will observe to be taken from the magistrates may still be exercised by courts of assize and quarter sessions, and under sec. 30 by the Secretary of State after a conditional pardon. But these exceptions do little towards furnishing a remedy for the mischief created by the provision, while in some respects they aggravate it. If an offender is to be sent to a reformatory at all, it is obvious to every one and well known by experience to managers that the interval between his arrest and his admission to the school should be as brief as possible. But trial at assizes or sessions implies preliminary imprisonment which may be of long duration. Meanwhile the child is subjected to the influences of a gaol, often most inimical to those of a reformatory. Again, all who are conversant with the administration of the criminal law know that judges, chairmen of sessions, and recorders are too closely and laboriously occupied during the few days that are afforded to their labours to undertake with advantage the inquiries necessary to determine the question of whether the offender is a proper subject for a reformatory or not—an inquiry much better conducted by the committing magistrate, whose local knowledge is often extremely valuable, and who can by a short remand obtain time for ascertaining the points on which he may be uninformed or in doubt.

You, I am sure, will not forget that one district differs essentially from another in regard to the conditions under which young offenders have been living before they fall into the hands of justice. During my recordership of Birmingham, I was able to send back friends hundreds of young offenders, and although these friends had practically no power of detaining against their will the youths put under their care, and although these latter were necessarily exposed to much the same temptations as those which they had not been able to resist, yet the result was, on the whole, satisfactory, there being good reason to believe that more than half such juvenile criminals were saved from relapse. After I had carried on the experiment for some years, I asked my friend, the late Serjeant Adams, then assistant judge of the Middlesex Sessions, as to the prospects of a similar experiment in his own populous county in the event of its being instituted. His reply was, "My desire to act as you are doing at Birmingham has always been intense, and I have never lost such opportunities as have been afforded me. But, except in a very few instances—certainly not more than half a dozen—I have never been able to send a boy or girl to a home which would not have been a more efficient school of crime than they can find in the streets or under the arches where so many of them congregate at night."

But the question which the meeting has to consider is not one of speculation but of fact. Has not the system of reformatory schools under the present Acts worked well? Have either the magistracy or the managers deserved to have their liberty of action restrained? If they have, let the truth be made manifest by public investigation. Before we obtained the present Acts, giving us financial assistance, we underwent, as I justly underwent, a rigorous and long-continued examination before a committee of the House of Commons, and we satisfied that committee and the Secretary of State that we were doing a public work of no secondary importance, and doing it, so far as our means extended, satisfactorily. The Government graciously accepted our aid in suggesting the requisite legislative provisions which were framed on this basis—that the terms of admission to the schools, the control, the maintenance, and training of the young inmates, should be in the future, as they had been in the past, left entirely



to the managers, and that such legal powers as were necessary to enable the managers to fulfil their duties with advantage to their wards and to the public should be conferred upon them by Parliament. That, with regard to the financial assistance to be given by the Government, it was, in the first place, not desired by the managers that it should fully indemnify themselves and their fellow-subscribers for their annual disbursements, as they thought it expedient that the subscriptions should still be kept up. Second, that inspection by an officer appointed by the Government would be essential guard against abuse of the fund to be appropriated to the reformatories, and that such inspection, while it would operate as a useful check, would, at the same time, if the officer were selected, as he certainly was, for, among other qualifications, his experience in reformatory duties, be welcomed by the managers as affording them valuable assistance in perfecting the efficiency of their operations.

The danger of abuse to which I have adverted was reduced almost to a nullity by two provisions in the Act. First, that no school should be entitled to financial assistance until it had been certified to the Government that it was in a state to deserve the grant, and that it might continue to receive the public money so long only as it continued to deserve it, the Home Office was empowered when it became dissatisfied with the conduct of the school to withdraw its certificate and withhold all further payments.

By this simple arrangement, the province of each party was clearly defined and placed on the best footing. Reformatory associations had sprung up without the knowledge of the Government, and yet were performing a great public service, evincing to all minds the wonderful potency of the voluntary principle. And, consequently, it was universally felt that any interference with the managers, not called for by absolute necessity, would be utterly inadmissible. They undertake a hard and anxious task. Notwithstanding their general success, they have often to encounter severe disappointments, and to find earnest and long-sustained endeavours for reformatory purposes hopelessly unavailing. No common zeal and, I will add, no common aspirations for the welfare of others would bear them up under their trials. On one subject they are, as might be expected, very susceptible. They cannot permit the religious influence which they exercise, and on which they so much rely, to be tampered with. But I enter no further into this part of the subject. The meeting will be attended by gentlemen far better able to discuss it than I am, and my letter has already extended to a much greater length than I could wish.

I am, dear Sir,

Very truly yours,

The Rev. Walter Clay.

M. D. HILL

TO THE CHAIRMAN OF THE MEETING OF MANAGERS OF REFORMATORY AND INDUSTRIAL SCHOOLS.

Red Lodge House, Bristol, June 18, 1867

DEAR SIR,—Being unable to attend the very important meeting which will be held to-morrow, to consider the Reformatory and Industrial Schools' Bills in their present form, I beg respectfully to request the attention of the meeting to some points which I deem of vital importance. I feel sure that kind consideration will be given to my views, both because I was one of those who first promoted the reformatory movement and aided in its establishment, and because for the last fourteen years I have been practically developing all the principles then laid down, first at Kingswood Boys' Reformatory, in the early period of which I shared the management; next at the Red Lodge Girls' Reformatory, which is still under my exclusive care; and then at the Park-road Certified Industrial School, which I founded, and in the management of which I still take part.

I would state at the outset, that both Bills appear to have been drawn with great care, and calculated to meet the wants and difficulties which have arisen in the practical working of both kinds of schools; for this we must thank the Government, and I do also personally, for all the co-operation which I have experienced. I am therefore sure that it is through want of knowledge of the views of managers and the requirements of the schools that the most objectionable clause in the Bills has



inserted. It is similar in both, and is the last in Section 12 of the Reformatory Bill. It provides for the visits to the schools, at times regulated by the Secretary of State, of ministers of religion of a different persuasion from those authorised by the managers, and for the sending of inmates to other places of worship than those appointed by the managers.

This clause is doubtless intended for the protection of any religious belief which may exist in the minds of young persons sentenced to reformatories; but this is inefficiently done by requiring magistrates and others who sentence children, to ascertain if possible to what denominations they belong, and to sentence them to schools of that sect; also, to provide against any mistake in the matter, the Act enables them to be transferred to another school, at first on the application of parents or guardians, and afterwards by the Secretary of State, if petitioned. The clause is unnecessary for this purpose, therefore.

But as respects managers, this clause strikes at the root of the reformatory system and previous reformatory Acts, which leave the whole management of the school with those who have undertaken the laborious and anxious task of reforming young offenders, without interference, subject to the inspection of the Secretary of State, and his withdrawal of the certificate of the school, if its condition is unsatisfactory. This clause interferes with the management of the school in its most essential part. Every reformatory manager knows that the religious instruction is that on which the great dependence is placed in effecting the reformation desired, and that all other agencies, however valuable, are subordinate to this. Managers are thus subjected to the most important influence being removed from them, and not only so, but to the very arrangements of the institution being regulated by a foreign agency.

Again, the institution would suffer from religious dissensions, and the family system could be destroyed, if a variety of religious influences were in our institutions. Reformatories are not like prisons or workhouses. The inmates all herd and work together in friendly association; the condition of the schools would be most seriously injured if the inmates could not join together at morning and evening worship, and religious dissensions were introduced among them.

It may be said that this clause has already been in the Industrial Schools' Act without doing any injury, and that therefore these disastrous consequences need not be anticipated. The clause has been innocuous, simply because it has been a dead letter. I have never heard of a single instance in which it has been brought into operation. Let it not remain ready to be employed for evil, and a great inconsistency with the principles on which the Acts are founded. I trust that these and other reasons which may be adduced will lead to the omission of this clause from both Bills. Neither Protestants nor Catholics could be benefited by this or any other provisions of the kind, and it would cause considerable annoyance to both, if acted on.

The other point to which I beg to call your attention is the first clause in the same section, which lays restriction on sending boys under twelve, or girls under ten, to reformatories, except on second conviction or from sessions. This clause was probably intended to lead magistrates to send young children into industrial schools rather than reformatories. It is most desirable that they should be thus saved from the brand of imprisonment, and associated with young persons less hardened in crime. But to produce this effect, there ought to be a clause making it unlawful to imprison any young persons under twelve, except as a preliminary to a reformatory. With this the clause might stand as it is. Otherwise, the hardship would be very great for those who most require careful training, children of tender age. I have known many even, at that age far too wild and precocious in crime for an industrial, and who have committed offences such as housebreaking, arson, stealing from the person, in fact, experienced pickpockets; these have hitherto been indicted for some minor offence, and at once sent to a reformatory. With such a clause, these children must either be imprisoned and discharged to commit a second crime, or detained in prison for public

trust that the clause will be omitted. These two points appear to me so important, that I am unwilling to trouble the meeting with any other remarks, hoping for full consideration of these.

I remain, dear Sir, yours respectfully,

MARY CARPENTER.

The greater part of the discussion was on clause 12 of the Reformatory Bill, during which the following resolutions were put to the Meeting:—

1. "That the preliminary imprisonment should be at the discretion of the magistrate."—Negatived.

2. "That in any case where the sentence would expire before the child reaches the age of sixteen years, an additional period should be added, so as to complete that age."—Rejected.

3. "That the clause by which children under ten upon a first conviction are sent to an Industrial School, and upon a second to a Reformatory School, is expedient."—Carried.

4. "That it is desirable that, instead of the paragraph in clause 12 (lines 33 to 41) the provisions should be those of the Reformatory Schools Act, 20 & 21 Vic., c. 55, sec. 6."—Carried.

"That the meeting is of opinion that a clause to the following effect should be introduced into the Industrial Schools Act:—That the Commissioners of the Treasury may further contribute a sum not exceeding 1d. a week for children admitted without the interposition of a magistrate, fed and taught, but not necessarily lodged, in the schools—provided that such children shall, in the opinion of the Secretary of State be proper subjects for admission into certified industrial schools. This was carried unanimously.

"That all the words after the word 'Act,' in line 28 of the 10th clause of the Reformatory Schools Act, be left out, and that a corresponding alteration be made in the Industrial Schools Act."

"That in Reformatory Schools, at clause 18, line 39, after the word 'rules thereof,' insert, 'or is guilty of gross insubordination.'"

#### ASSOCIATION FOR THE IMPROVEMENT OF LONDON WORKHOUSES.

The Association for the Improvement of London Workhouses has induced the President of the Poor Law Board to make official inquiry into the truth of statements as to the condition of many of these places. A Report is shortly expected, which will unfold a state of things much worse than was at first supposed to exist. Mr. Farnall and Dr. Smith have been occupied very recently with an official investigation of charges made against the Strand Union and the Rotherhithe Workhouses, which additional light has been thrown upon the state of sick paupers under the management of drunken nurses. Matilda Beeton, who was examined, said she was formerly head nurse in the infirmary at Rotherhithe, the first paid nurse employed. She had under her four pauper nurses; none of them could write, two could read, all of them had been drunk on the beer of the patients. Britton, one of them, beat and abused the patients. Patients were covered with vermin; one woman had died of ulcers. Britton got three-pennyworth or six-pennyworth of opium at a time to give to patients. She was in the habit of turning patients on their left side to let them die, it being a belief among nurses that people go out of the world easier on the left side than in any other position. Witness had seen maggots crawling at



of the flock beds. Spirits and wine were adulterated. One man, she believed, died from insufficient nourishment. Upon cross-examination, witness adhered to her statements, and added many additional facts.

A Meeting of Metropolitan Guardians, lately held at St. James's Hall, strenuously opposes all interference with their functions of local self-government. They affirm that the removal of paupers from the control of parochial management, and placing them under central and imperial authority, would be subversive of their principles, and that the hospitals proposed on a better system of management would fall into the hands of "a self-elected body of medical commissioners;" that there would be wasteful expenditure, entailing a heavy expense upon the ratepayers of the metropolis. No sympathy was shown for a proposition to the effect that the present system of administering relief to the sick poor was capable of reform, and that due consideration should be given to a plan of reform that may be proposed by the Poor Law Board.

The Poor Law Board and guardians in most London parishes have always been at loggerheads, and the opposition of the latter to judicious and much-needed reform will be raised under the cry of "Government interference" and "centralisation." The whole subject, however, of Poor-law reform, in spite of its difficulties, must be dealt with. The Whitehall Board have not shown themselves masters of the questions, if we may judge from their ignorance of the present well-known deficiencies of the medical organisation, incompetent nursing, and hygienic arrangements in all parts of the country. An opportunity is now arrived for the full ventilation of matters, which it is hoped will result in a final re-organisation of Poor-law tactics.

#### METROPOLITAN ASSOCIATION FOR IMPROVING THE DWELLINGS OF THE INDUSTRIOUS CLASSES.

The annual meeting of the Metropolitan Association for Improving the Dwellings of the Industrious Classes was held on Friday, June 22nd, at their offices, 19, Coleman-street, the Hon. Dudley Fortescue in the chair. Among the gentlemen present were the Right Hon. Lord Gude Hamilton, M.P., Mr. Russell Scott, Mr. E. Hill, Mr. E. Ifield, Mr. Julian Goldsmid, M.P., Rev. Mr. Wilkinson, and Mr. C. Clift (secretary). The report, which was taken as read, congratulated the shareholders on the steady progress of the association. The Victoria Cottages in Albert-street, Mile-end New Town, had been completed during the past year, and thirty-six families were now provided with comfortable dwellings on a site where, a short time since, but thirteen families were accommodated. Dwellings for 149 were also in course of erection, consequent on an arrangement effected with the Marquis of Westminster, and it was expected that these would be completed before the presentation of the next annual report. Eight pairs of semi-detached cottages had been erected at Penge, on the freehold property, where there was room for 160 cottages and gardens; and the shareholders appealed to their aid in making this



property useful and remunerative. This appeal was made with the greater confidence because of the steady improvement in the finances of the Company, a further increase in the net profits having taken place this year, notwithstanding the unavoidable unproductiveness of money, while the dwellings on which it is expended are in course of construction. The net profits amounted to 3760*l.* 3*s.* 10*d.* for the year, out of which a dividend of  $3\frac{1}{2}$  per cent. was recommended, the payment of which would leave a balance of 345*l.* 19*s.* 8*d.* to be carried to the guarantee fund, which would thus be increased to 2924*l.* 18*s.* 5*d.* The average rate of mortality during the year in the property of the Association had been about 17 per 1000, contrasting favourably with that of the metropolis generally, which had been 24 per 1000. 697 tenants are now living on the property of the Association.

#### NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The Council of the Association met on Friday, June 22nd. Lord Brougham, who was in the chair, stated that he was, with reluctance, compelled to decline re-election as President of the Association at the Manchester meeting. In consequence, Sir James Kay Shuttleworth moved, and Mr. Hastings seconded, the following resolution:—

“That the Council have heard with great regret the announcement made by Lord Brougham, that he feels it indispensable to decline to preside at the ensuing annual meeting at Manchester, and they cannot receive this announcement without putting on record their grateful sense of the great services which his Lordship has rendered to the Association as its president from its commencement, and by his presence and addresses at every annual meeting, as well as by the exertion of his personal influence to promote the success of all the objects which the Association has in view.”

Mr. Hastings stated that he felt bound to inform the Council that from various circumstances, it was quite out of his power to discharge the duties of the general secretaryship, as he had hitherto done, and that, therefore, he felt it was his duty to recommend the Council to nominate some other person for the office. The expression of feeling, however, on the part of the meeting was so strong, that he consented to allow himself to be nominated.

The rest of the business was formal.

#### WORKING MEN'S CLUB UNION.

On Thursday, the 10th of May, the anniversary festival of the recently-established Institution was held at the Freemasons' Tavern. His Grace the Duke of Argyll took the chair, supported by Earl Grosvenor, the Earl of Lichfield; Lord Lyttelton, Major-General Lord Frederick Paulett, Mr. Layard, M.P., Mr. Davenport Bromley, M.I., Sir John Pakington, &c. The dinner having been finished, and the cloth drawn, the noble Chairman gave the usual routine loyal and patriotic toasts; and, after proposing the health of the clergy of

denominations, and denouncing temperately, but strongly, the introduction of any sectarian differences into these Clubs, the Chairman gave the toast of the evening, "Success to the Working Men's Club and Institute Union." His Grace did this at considerable length, and vindicated Trades' Unions and similar combinations of labour from the charges he alleged had been unfairly brought against them. He claimed that these associations did no more for their fellow-workmen than the Parliament had done for these workmen's wives and children, in limiting the hours of labour under the Factory Act. That Act was passed to prevent excessive competition of labour bringing about a system of overwork, and, as Parliament had declined to include in the same Act the adult male labourers, the Trades' Unions had been striving, and not altogether without success, to obtain the same end for themselves. Some of these organisations had very large annual funds, and these were on the whole economically distributed. It was true, unfortunately, perhaps, that the working men did not as a body contribute to these Clubs; nor did the Trades' Unions support them. On the whole, however, he thought it was not very desirable, considering the main views with which those organisations of labour were formed, that they should have the support, and therefore virtually the control, of such associated institutes as that, the cause of which he most earnestly then commended to the benevolent consideration of his hearers. The noble Duke's speech was loudly cheered, and a most munificent list of subscriptions rewarded his exertions on behalf of the institute whose cause he had advocated. The report of the society, which was distributed about the room, states that its objects and plans can be practically worked out with most beneficial results, as is amply proved in Leeds, Roydon, Notting-hill, Westminster, Winchester, Newcastle, Hull, Northampton, York, Rotherham, Bolton, Guildford, Brighton, Wednesbury, Manchester, Preston, Bristol, Devizes, Shoreditch, Chelsea, Camden-town, Holloway, Southwark, and other places, making a total of about 300 clubs, 41 of which are in the metropolitan districts, and nearly all of which have been formed under the influence of this Union in the course of little more than three years. The applications at the office for advice and information, personally and by letter, average about 60 weekly; and the secretary has attended by request nearly 90 meetings in different parts of the country; 250,000 copies of the publications of the Union have been distributed. Several Clubs are now being formed in various localities, by the impulse and under the guidance of the Union. But, if the Council are to carry on their work efficiently, they must receive increased, and especially more regular, support, since they are continually obliged to forego valuable opportunities of usefulness; and, in referring to the condition of their finances, they would point out that the more successful the society has been in arousing and directing local zeal, the more effectually it has exerted to the establishment of local Clubs those contributions which would otherwise, at all events in part, have augmented its own resources.



## THE MISSION WORK AMONGST FALLEN WOMEN IN LONDON.

This Mission, commenced in 1858, is designed to employ Female Missionaries, to go out into the streets at night, to distribute tracts, and seek to lead the fallen to a better life, to visit the hospitals and work-houses, and to endeavour to find situations, or to place in homes, or restore to their friends, those who, on inquiry, appear sincerely desirous to forsake their life of sin.

Since its formation, more than 1300 young women have been rescued from the streets; a large number have been restored to their parents, placed in service, or otherwise provided for, without entering an Institution.

Eight Female Missionaries are now employed in this work: one, who speaks French, German, and Italian, amongst the Foreigners; and one to give special attention to cases of attempted suicide. When funds permit, the number will be increased to ten. An earnest appeal is made for immediate help, to Messrs. Smith, Payne & Co., 1, Lombard-street, E.C. The office is 24, New-street, Spring-gardens.

## FEMALE PENITENTIARY.

The annual meeting of the subscribers to the Female Penitentiary Pentonville-road, was held on Friday, June 22, at the Institution, the Right Hon. the Earl of Chichester in the chair.

The report for the past year, being the fifty-ninth annual report, was read, stating that the number of inmates on the 1st of April, 1865, had been 68; and that from that date to the 31st of March, 1866, 118 had been admitted. This was an increase of 48 admissions over the number of the previous year, and was a larger number than had ever been admitted in any one year, except in the year 1824, when the admission amounted to 127. It was also gratifying to be able to announce that the number of those leaving voluntarily was much smaller in proportion than formerly—not one-third having so left the institution. Several satisfactory letters testifying to the good conduct of girls who had left the establishment for service were read. The receipts for the past year had been 238*l.* 16*s.* 11*d.*, of which 412*l.* 10*s.* had been legacies. The amount received for needlework done in the institution had been about 70*l.*, and that for washing above 900*l.* The expenditure had been 2302*l.* 0*s.* 6*d.*, leaving a balance in hand of 79*l.* 16*s.* 5*d.* The Chairman said the report just read showed that their labours had produced some fruit. They had no small difficulties to encounter wrestling, as they had to do, with sin and evil; but the weapon which they employed was a mighty one—the Gospel of Christ. If the number of similar institutions were multiplied twentyfold, there would still be abundant room for them, and he hoped this one would be amply supported so that it might be always full. The Rev. Gordon Calthorpe and other gentlemen also addressed the meeting; the report was unanimously adopted, and the other business transacted. During the day a sale of work was held in the lower rooms, where a great variety



seful and ornamental articles were displayed; crochet and fancy work of the neatest and finest character, shirts and underclothing for ladies and gentlemen, equal to that of any first-rate establishment, and dressers and wrappers skilfully and well put out of hand. Some of the work had been done by former inmates, and presented to the institution as a mark of gratitude for the benefits received there. Among the work shown might be seen a number of towels hemmed and marked for the Royal Palace. These were marked with a crown and the letters "V. R." The week's washing, which was laid out in the drying-rooms, testified to the admirable manner in which this portion of the work of the inmates is performed. It appears that they take in the washing of about eighty families in the neighbourhood, who pay not more than what is charged in general for such work. The laundry finds at present employment to about forty of the inmates, and the institution could do yet more of this work than they have at present. Those who enter the institution do so of their own free will, and are not compelled to remain unless they choose to do so. But if they wish to leave, they must first state their reasons for doing so to the Board. Some are sent out to service or otherwise till they have spent two years in the house, and after that time, if their conduct has been satisfactory, they are provided with an outfit. Should they remain in their present service for a year, conducting themselves well, they receive a reward of one guinea, and a similar reward at the expiration of a second year.

#### FEMALE MEDICAL SOCIETY.

The second annual meeting of the Female Medical Society was held last month, at the Hanover-square Rooms, the Earl of Shaftesbury in the chair. A good many ladies and a large number of female medical students were present. The objects of the society are:—1. To promote the employment of educated women in the practice of midwifery, and the treatment of the diseases of women and children. 2. To provide for women facilities for learning midwifery, &c., like those which have long been in the possession of men. 3. To establish a publicly-recognised Board of Examiners, so that women who have pursued an appropriate course of study, and passed an adequate examination, may be distinguished from others. And, when the College shall have been satisfactorily developed, the society will ask the Legislature for a charter of Incorporation, and endeavour to obtain a recognised social standing for properly-qualified midwives. The report of the committee for the past year stated that the number of students had increased to twenty; the lectureships had hitherto proved almost self-supporting; and the entries of students for the next session are likely to exceed in number those of either of the former years. Several of the students who intended to support themselves as accoucheurs, had now completed the prescribed course of practical as well as theoretical and general scientific instruction, and, having already commenced practice, a considerable number of lady patients had been referred to their care from the office. No sort of casualty or misfortune had occurred in any

case, and a number of letters were at hand for perusal, which, without exception, convey the warmest expressions of thanks to the society, and of satisfaction with the attendance of the ladies. The following resolutions were passed:—

“That midwifery, as an important branch of medical practice, constitutes a lucrative profession, for which women ought to have proper means of instruction, and in which it is highly desirable that women should be employed.”

“That no sufficient system of instruction in midwifery, and the accessory branches of medical science, has hitherto been accessible to women in England—that the present utterly unregulated state of female practitioners in midwifery is repulsive to educated women, and degrading to this important vocation—that great public inconvenience and frequent loss of life now occur, for want of a properly qualified and sufficiently numerous class of midwives.”

#### FRENCH NATIONAL SOCIETY FOR ENCOURAGING VIRTUE.

This Society held its public meeting on Sunday, the 24th of June at the Hôtel de Ville, Baron de Ladoucette presiding. After an opening address, the prizes were distributed; one being awarded, for her faithful devotedness to her masters, to a servant woman of Lisleux, Constance Ravel, known for her poetical talent, and to whom M. de Lamartine first drew attention; another was given to a nun at Symrna, for acts of humane self-abnegation; and a third to a ballet girl of the Porte St. Martin Theatre, Mdle. Roze, who was crowned in recognition of her persevering industry, attention to her calling, and admirable conduct whilst supporting her family by her exertions. This grouping of a servant, a dancer, and a nun is as original as unexpected.

#### ASYLUM FOR FATHERLESS CHILDREN.

The twenty-second annual examination of the children of this institution was held on Wednesday, the 27th, at the asylum, at Reedham, near Croydon, Mr. Samuel Morley in the chair. Mr. Morley and a number of ladies and gentlemen interested in the prosperity of the institution left London Bridge by the 10.5 train on the Brighton Railway, and arrived at the asylum shortly after eleven o'clock. On the arrival of the visitors Mr. Morley took the chair, and the examination of the children was proceeded with in the order set forth in the printed programme. The boys and girls, who were placed on raised seats at one end of the hall, replied in a very intelligent manner to the questions put to them in reading and spelling, English history, English grammar, Scripture, geography, and mental arithmetic. The children of the infant school next underwent an examination on general subjects. Both examinations elicited general admiration and reflected the greatest credit on the teachers and managers of the institution. The examination throughout was conducted by Mr. Saunders, from the British and Foreign School Society. The children sang a hymn between the examination on each subject. At the conclusion of the examinations



specimens of writing and drawing by the pupils were handed round for inspection, and challenged general approval. After a short interval flowed to the visitors for inspecting the grounds of the asylum, the company assembled under a spacious marquee, where luncheon was served. Mr. Morley presided, assisted by the committee and officers of the institution. At the conclusion of the repast the chairman in appropriate terms proposed the health of "the Queen," which was drunk with the usual demonstrations of loyalty, and accompanied by a verse from the "National Anthem." The chairman next proposed "Prosperity to the Asylum for Fatherless Children," coupling with the toast the names of Mr. Harvey (the treasurer), and Mr. Aveling (hon. secretary). In prefacing the toast the chairman referred to the examinations which he had witnessed with so much pleasure, conducted as they were by a man whom he should call the "prince of examiners." The plan of Mr. Saunders was to draw the children out rather than to puzzle them, and that, he thought, was the perfection of examination. Mr. Harvey and Mr. Aveling returned thanks, and the latter gentleman then read the list of contributions towards the fund for the heating of the building, the chairman and Mr. Sargood heading the list with a subscription of 100 guineas each. The company then returned to the Hall, when the chairman distributed the prizes. In the course of the evening dialogues and recitations were given by some of the children, after which the interesting proceedings terminated. The visitors returned to town highly gratified with the events of the day.

#### SOCIETY FOR IMPROVING THE CONDITION OF THE LABOURING CLASSES.

The twenty-second annual meeting of the friends and subscribers to this Society was held on Wednesday, the 27th of June, at Willis's Rooms, the Earl of Shaftesbury in the chair. The report of the committee stated that every succeeding year there was an increased improvement in the labouring classes, and the operations of the Society were more successful. The rapid growth of the large towns, and the displacement of the poor by railway extension, only served to enhance the evil of overcrowding, and increase the difficulties which lay in the way of the working classes. The railway bills introduced in the present session dealt with 16,000 houses. Good dwellings were required more in the City than in the suburbs, and it was absolutely necessary that Parliament should be asked to pass an Act giving compulsory powers to appropriate sites available for the erection of improved dwellings for the labouring classes. After referring, in terms of high praise, to the practical philanthropy of Mr. Peabody, the report went on to say that applications from agricultural districts for plans of improved dwellings finished by the Society were never so numerous as during the past year. The working classes in the towns of Bradford and Sheffield had benefited much by the efforts of the Society. The houses of the Society in Bloomsbury, Wild's-court, Drury-lane, Tyndall's-buildings, Gay's-inn-road, and other districts of London, were stated to be well tenanted. Out of a population of 1700, the tenants of the



Society, the mortality was only 28, and of that number 12 were children under eight years of age. The results of the year's operation clearly falsified the assertion that the working classes had any natural desire or inclination to live in darkness or dirt. The efforts of the benevolent were greatly needed to help the poor, and it would be well if there was more contact between the rich and the poor, and if rich capitalists gave a portion of their time to improve the condition of their poor labourers. The Society had done much towards the suppression of intemperance and crime among the labouring classes. The funds actually received in the year, from all sources, for the general purposes of the Society, was 5981*l.* 1*s.* 6*d.*, the balance in hand at the commencement of the year being 287*l.*, which made the total amount to be accounted for 6268*l.* 1*s.* 6*d.* The expenses of the lodging-houses, including repairs and re-painting, &c., amounted to 3365*l.* 6*s.* 3½*d.* The loans repaid and other claims, and interest on loans, &c., amounted to 1932*l.* 8*s.* 4*d.* Rent of offices, salaries, commission, and incidental expenses 669*l.* 4*s.* 3*d.*, leaving a balance of 301*l.* 2*s.* 7½*d.* The real property of the Society (valued at cost) is 44,365*l.* 3*s.* 1*d.*, and the general liabilities 21,015*l.*, leaving assets 23,350*l.* 3*s.* 1*d.* The report was adopted, and addresses delivered by the noble chairman, the Rev. J. B. Owen, Dr. Greenhill, Rev. Canon Conway, Rev. A. Bailey, Mr. Spurnheim, and Rev. W. Wilkinson. A vote of thanks to the chairman closed the proceedings.

## CORRESPONDENCE.

### MISS COBBE ON THE WOMEN'S PETITION.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

DEAR SIR,—As you have referred to the petition on the subject of the right of women to vote for members of Parliament, I trust you will insert Miss Cobbe's letter to the *Spectator*, in answer to a sneering article on the subject of women's rights.

Yours,

London, June 25, 1866.

A WOMAN.

Sir,—Visiting some time ago the vast subterranean cave of Adelsberg, I lingered for some moments beside the famous river which has no outlet into the upper world of lights, but runs its whole course

“ In caverns measureless to man  
Down to a sunless sea.”

In this river (as all the world knows) dwells the *Proteus anguineus*, a creature who by long habitation of darkness has lost the power of vision, and displays only the rudiments of the organs of sight. The poor animals of this singular species are smooth to the touch and rather colourless, but extremely soft, and on the whole inoffensive.

The destiny of these little eels was, I confess, painfully recalled to my mind on reading your article of last Saturday on “The Women's Petition.” I could not refrain from picturing to myself a few audacious ones among them striving to wriggle out of their Styx (through some *Mill-race* perhaps, or other available medium), when a stern *Spectator* sat by on the bank, and pushed them back as far as he was able underground, remarking solemnly, “*Le droit dérive de la capacité!*” You have lived

o long in darkness, you stupid fishes, that you cannot use your eyes at all, so do not attempt to push yourselves where you or your fry might possibly learn to use them hereafter. Till you '*show us that you can feel a general interest*' in the course of the Danube and the Vistula, you must go back to your underground river."

Is it possible, Mr. Editor, that you do not see that the object of the petitioners whom you compliment as "able politicians of the feminine gender," is precisely to cultivate among their sisters that "capacity" on which *you* hold that rights are founded, and which *they* believe the exercise of political duties can alone call forth? Women have, indeed, special reasons for desiring direct representation to protect their interests in the many cases wherein they have suffered, like the interests of all other unrepresented classes living under a representative government. We have not to look further than two pages back of the *Spectator* from the article on the "Petition" to read the admission that "the sum of human misery in the shape of poverty artificially inflicted on women is very great." Few there are who do not know cases of other misery also "artificially inflicted on women" in matters nearer to their hearts than their pecuniary interests. But any amendment of the laws affecting either their property or their conjugal or parental rights which may hereafter be obtained, through the exercise of the franchise, must be secondary to the benefit which could accrue to them from the exercise itself, and from the sense it would awaken of other duties and nobler interests than those in which alone they are now permitted to share beyond the threshold of their homes, namely, the grand duty of morning suits, the supreme interest of croquet.

The sad truths you tell of the narrowness of the views of women and their tendency to place personal favour before justice are precisely the reasons which determine their friends to seek to open for them a wider horizon, and to engage them in nobler and more impersonal interests. Your assertion that agricultural labourers have certainly more capacity for political self-dependence, for taking a view of their own, however ignorant, than the great mass of women," appears to me open to some question. A large acquaintance with carters, ploughmen, mowers, and even with order-gardeners and wood-rangers, has hardly impressed me with much confidence in their "capacity for political self-dependence," seeing that the existence of such parties as Liberals and Conservatives, and of such cities as London and Paris, appeared generally involved in their minds in a certain haze unfavourable to "political self-dependence." I may remark, however, that in bringing the "mass of women" into comparison with the above carters and ploughmen, you rather transgress the bounds of the argument. No one has asked for votes for the "mass of women," or for married women at all. Single women possessing houses or estates are those for whom the franchise is claimed, and *these* women, ranging from the small shopkeeper Miss Burdett Coutts, are, I conceive, generally quite equal to bear comparison with the ploughman and carter, or even with the speedily-enfranchised blacksmith and tinker. In my own circle I could count a few quite as well informed and as conscientious as the majority of masons and cab-drivers. Nay, it seems to me possible that deeper scrutiny might prove that it would be the soundest of all possible policy, while a mass of uneducated *male* votes is being poured into the scales of the Constitution, to balance them by the admission of the votes of a class having much greater educational and moral advantages, namely, those of single women of property.

Women have been taught to consider politics as altogether beyond their sphere, as matters in which no change of circumstance could give them legitimate influence; and, even the poorest, are taught to view them as their honourable work, or at least as a work to which a rise in condition would introduce them. The marvel is, these things being so, *not* that so few women care for politics, but that so many take an intelligent interest in them while thousands of men regard them with indifference. I should be ready to wager that among the most constant readers of the *Spectator*, for instance, there were to be found at least as many ladies as gentlemen. But however this may be, I must venture to present one petition more at the conclusion of this long letter; it is, that even if, on fair review, you remain of opinion that we women are generally altogether ignorant and deficient in political capacity, you will still let us on some other principle than that of the traditional schoolmaster, who strictly forbade his boys to enter the water till they could prove beforehand their *capacity* to swim.

I am, &c.,

FRANCES POWER COBBE.



[Miss Cobbe must excuse us for remarking that we never heard of any boys learning to swim without going into the water, but we think we have heard in every free country of whole classes becoming political before they have exercised the franchise. The truth is that Miss Cobbe and the few clever women who are political now, have learned politics without political power, which sufficiently disposes of Miss Cobbe's amusing but misleading illustration. We understood the petition as demanding vote for *all* women qualified by the possession of the ordinary qualifications, which would we suppose, cover the case of either married or single women with freehold property of an adequate amount.—*Spectator*.]

## WENDELL PHILLIPS ON CAPITAL PUNISHMENT.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR,—If you consider the enclosed as suitable for your journal, and can conveniently find room for it, it may interest many of your readers. Yours truly,

WILLIAM TALLACK.

Society for the Abolition of Capital Punishment, June 15, 1866.

“TO ALEXANDER H. BULLOCK, GOVERNOR OF MASSACHUSETTS.

“Edward W. Green is dead—hanged by your hand in deference to a mistaken public opinion. His execution is the most remarkable in my day, and the least justifiable. For it you are responsible. In vain, after having snatched a responsibility from which the generous course of Governor Andrew, your predecessor, had, in substance, shielded you—in vain do you attempt to hide yourself behind legal technicalities and the authority of courts. The constitution of Massachusetts leaves with the Governor and Council the final decision whether a man shall be hanged. Whenever mere law would work injustice, you are charged with the duty of seeing that substantial justice is done.

“In the form which this case finally took, we, the citizens, have nothing to do with courts. The Governor and Council hanged Edward W. Green in a truer sense than any other Governor or Council ever hanged any other man.

“It is nothing to us, and no defence to you, that the Chief Justice quibbled away the humane intent of the statute of 1858, setting at naught the usual rules for the construction of statutes, and ignoring wholly the practice of States from which we borrowed the law. Our statute of 1858 is copied from that of States where a jury always decides on the degree of murder. We deplore that Green is the first man hanged without a jury passing on this question of degree, in any State whose statute resembles ours, and that thus judge-made law defies the statute.

“We cherish all due respect for the decisions of our Supreme Court, and would not lightly presume to doubt them. But when life and death are in issue, every man held to plain speech. I cannot but remember that the party with which I have the honour to be associated has, within twenty years, presumed to doubt more than a dozen opinions of our bench and that of the Union; and in all those cases these courts would now be glad of an opportunity to reverse their decisions and erase sad blot from their record. I remember, also, that the time has gone by when our Chief Justiceship was earned by legal learning and brains, and that it is filled now by a man of fortune, merely because, on account of his wealth, he could afford to take an office whose grossly inadequate salary made competent lawyers avoid it.

“But this is immaterial now. Your responsibility hides the court. You hang Green without justifiable cause. Even the poor subterfuge of the unanimous concurrence of your Council is hollow pretence. We saw one-third of their number leave the Council Chamber long before the hearing was ended, impatient of the investigation and unwilling to risk losing the case, even to hear the last petition of a man whose life hung on their judgment. Their assent was mere formal concurrence with your decision. You, you alone, hanged Green.

“Massachusetts divides murder into two degrees, and punishes it with death only when in the first degree—that is, when committed with deliberately premeditated malice aforethought.

“She enacts that ‘the degree of murder shall be found by the jury.’ Such, also, is the practice of the States from which we borrow our statute. With this law in view let us state Green's case.



"You had evidence laid before you, uncontradicted evidence, that Green, though trusted with a petty office, had been always incompetent to perform its duties, and relied on help for anything beyond mere routine; that he was, both on his mother's and father's side, descended from families thoroughly tainted with insanity. Medical experts assured you that, though twenty-seven years old, he ought to be classed with boys of fifteen or sixteen years of age; that he was 'physically, mentally, and morally dwarf,' and that he showed no such intellect as ought to make him responsible to the extent of capital punishment; that to hang him would be vindictiveness and not justice.

"Six clergymen, all of whom had seen him often in prison, some of whom had been his constant visitors during his incarceration, coincided in that opinion. The very magistrate before whom he was first arraigned expressed the same belief; the jurors concurred; the detectives who arrested him informed you that long before they had completed the case against him, his fellow-citizens hurried on his arrest, alleging that Green was so weak there was no use in waiting for complete proof, since he would be sure to break down and confess the moment he was charged. The scene of his arrest confirmed this view: both by their conduct in treating him like a mere child, and by his.

"No testimony rebutted this. Nothing impeached it.

"This dwarf in morals and mind was set before a jury. The only clear, distinct, and abiding idea he had was that he killed Converse, but not deliberately. Left most alone by the few friends he had, after long solitary confinement, he, with as liberal a purpose as he was capable of, pleaded guilty of murder in the second degree. The Government refuse to accept the plea, and the court suggests that he retire with counsel to consult. Here the court erred sadly, grievously. His appearance showed his weakness, and no humane and heedful judge would have allowed any fluency to be used to induce him to change his long-considered purpose. The scrupulous and delicate action of our bench in its best days forbade it.

"Green goes out with his counsel, and after some time consents to the formal plea guilty in the first degree; but, as his counsel tells us, he added at the same moment a protest that he did not kill deliberately. To the last hour of his life he always affirmed that he never intended to plead guilty to deliberate murder.

"Now, how stands the case? Here was a moral and mental dwarf, born in the bed of insanity, never tried by a jury—convicted without trial, on a plea which he said, and which the facts show, he never meant to make—a plea which eminent lawyers, among them the highest criminal authority in New England, assert that he never did make in any true legal sense—a plea which his able and honest counsel assures us he never should have advised or allowed Green to make, had he known that you, sir, now know.

"Such a man—no, such a dwarf—you hang. History, looking back on a bar of lawyers, many of whom deny that Green was ever legally convicted, must creep through the special pleading of a bench of cunning judges to find out how you ever got any legal right to hang him at all.

"Green was never tried by a jury. The only trial resembling a jury trial that he ever had, was before Governor Andrew's council. That was the first and only body which ever investigated the facts of his case, and one-third of that body advised Governor Andrew to commute his sentence. It is not unreasonable to presume that the same result would have followed a formal jury trial, and if so, he would have been acquitted of murder in the first degree.

"Under a law which holds that every reasonable doubt should acquit the indicted party, and that only a unanimous jury can convict him, you hanged a man—no, a dwarf—whose case was never presented before any body of men which was not decided on the question of his guilt.

"Under a law which holds that reasonable doubt shall acquit the indicted party, you hanged a man whose death-warrant a magistrate whom your most partial admirer would admit is a far better lawyer and as keenly conscientious a man as yourself—refused for fifteen months to sign. Since Green never had a jury trial, and Governor Andrew as a magistrate under a deep sense of official responsibility had most conscientiously and thoroughly investigated his case, surely the deliberate conviction of such a man might have weighed as 'reasonable doubt' in the mind of one not over anxious to hang a fellow-being!

"I do not believe a case can be found in any State of this Union where a governor has ordered to execution one whose case his predecessor had thoroughly examined and refused to sign a death-warrant. Such proceeding violates, in substance, the first rule of the common law, that reasonable doubt saves the party.

"You hanged a man whom no jury, knowing what you did the hour you signed his death-warrant, would ever have convicted of murder in the first degree. Tried anywhere in the State, the hour you signed his warrant, Green would have been acquitted of capital crime. This you are lawyer enough to know; this three-quarters of the criminal lawyers of the State will tell you.

"A dwarf—never tried but to be acquitted—influenced into a plea he never intended to make—one which keen lawyers contend he never did make—a man whom his counsel besought Government to spare, because, knowing what he does, he never would have allowed Green to plead guilty—such a one, making your way through all the barriers the generosity of your predecessor had put between you and your victim you drag to the gibbet. If the humane common law is in force—if the statute of 1851 is law, you alone hanged Green without legal justification. That statute was enacted to shield just such cases. Massachusetts never intended to hang such criminals. Had this been a rich man's son, surrounded with friends, furnished with counsel in ample time to investigate his case, he had never been convicted. Convicted, such a one would have never been hanged.

"Poor and friendless, he was thrust suddenly upon counsel unprepared, without time to examine his case, and before a court which, ignorant as it was of the fact, may be innocent of deliberate offence, but surely by needlessness and inattention has brought shame on the execution of the law in Massachusetts. Over such a boy arraigned under a novel statute, there should have been thrown the most delicate and scrupulous safeguards of the law. Certainly, no such careful respect to the purity of its ermine and the humane caution of the law is visible on this occasion.

"Mistaken public opinion, fed on false rumours, demanded a victim, and you washed your hands in blood to conciliate the people.

"But even this black cloud reveals one spot of its silver lining. The community will learn that so grave and terrible a power as that of life and death should not be trusted where it can ever be used as a counter in the game of political ambition. Our Government is such that we cannot sometimes escape as magistrates men who will try to make even the gibbet a stepping-stone to higher place, then it is not safe to continue the use of this murderous punishment. 'Show me that human testimony is infallible,' said Lafayette, 'before I will admit of capital punishment.'

"Following such an example, we may say, show us that designing men will never use a gibbet as help to political ambition, before we entrust such with this terrible power of the heartless George IV. it is recorded that he often stood long before his Chancellor begging him to suggest something that would save him from the cruel necessity of signing a death-warrant. You, when facts, science, law, your predecessor, and substantial justice stood ready to shield you, snatched, with calculating ambition, this dread responsibility, and you think that your mountain stands stronger to-day for the outrage. May the justice and self-respect of Massachusetts forbid!

"May, 1866.

"WENDELL PHILLIPS."

## WATER SUPPLY.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

SIR, — In an excellent paper published in your Journal for June, on Water Supply, at page 430, the writer says, "No communication should exist between the drains and household cistern."

In my cistern, in case it should become too full and to prevent flooding, there is a waste-pipe or overflow-pipe communicating direct with the drain, as I imagine is the case with nearly all the cisterns in London: up this waste-pipe no doubt there frequently will come all manner of foul gases, liable, perhaps, to be absorbed by the water in the cistern, the cover of which is always closely fastened down in case of frost, &c. In what way is this communication to be done away with, having regard to the stair-carpet and floor-cloth in case of an inundation?

Water-lane, June 14, 1866.

I am, &c.,  
R. W.

# THE STUDY OF THE NATURAL SCIENCES REGARDED AS AN INSTRUMENT OF EDUCA- TION.

BY A CAMBRIDGE MAN.

[T is not conceivable that men in any state of civilization worthy of the name, should be daily witnesses of the grand operations of nature, or even of the minor changes and phenomena which present themselves so beautifully and regularly round them, without having their curiosity awakened, and without feeling a desire to investigate these appearances further; to discover the ultimate laws of causation on which they depend, and the relations they bear to each other. To prosecute these inquiries to any considerable extent, a certain amount of leisure and independence are absolutely necessary. Accordingly, a nation must have obtained some success in the struggle for existence before the study of the natural sciences becomes possible. When a nation has so far emerged from barbarism that the individuals composing it, or, at any rate, some—the more contemplative of them—are no longer restrained by necessitous circumstances, either of self-support or self-protection, from yielding to the promptings of their own curiosity and desire of knowledge, it is natural—indeed, history teaches it is inevitable—that certain of them should devote themselves with more or less exclusive ardour to contemplate, to classify, and, if possible, to explain the phenomena of the material universe which fall within the range of their powers of observation.

Thus, the natural curiosity of humanity, which, if unintelligent, leads the savage to fabricate a system of superstition that acts as a strong barrier against him in his advance towards civilization, when manifested in a more intelligent form among men higher in the ethnological scale, conduces to the rise of natural science, the study of which not only is a powerful engine of intellectual education, but redounds to the physical well-being of man, by rendering the highest development of the arts possible. Again, when the practical applications of the natural sciences become more numerous and important, the number of those engaged in physical research is increased by observers other than mere lovers of knowledge, and the rate at which these studies advance is constantly and rapidly accelerated. "Between the physical sciences and the arts of life there subsists a constant



mutual interchange of good offices, and no considerable progress can be made in the one, without of necessity giving rise to corresponding steps in the other.\*

The foundation of all the natural, *i.e.* the inductive sciences is experience. Without it, induction becomes impossible, simply because without it the facts and phenomena with which the natural historian deals remain unknown. Experience is twofold, embracing "experiment" and "observation." The former may be termed its active, the latter its passive phase. It is not, of course, pretended that it is in all cases, or, indeed, in many, possible to define with rigorous precision the limits of experiment and observation; nevertheless, this broad and general distinction is one which it is practically easy to appreciate and apply. It is also at once evident, that in the normal growth of any physical science, the first step upwards must be due to observation rather than to experiment. In observation, as it were, we assume the rôle of attentive listeners to the speech of Nature herself; while in experiment, we interrogate and cross-examine her, compelling her by our importunity to supply information which we could in no way obtain by the method of observation.

The phenomena, and the relations of phenomena that we formulate into laws, of which we obtain cognizance by observation, are usually the simplest which nature exhibits. And it is quite possible that observers may obtain a very considerable acquaintance with the facts of nature, and even classify and explain them in a way that is in the main true, without feeling the necessity of recourse to experiment at all, except in always such easy experiments as would be made almost instinctively. As soon, however, as the human mind rises from the consideration of isolated facts and their causes to the consideration of the great laws, in accordance with which, and manifestations of which these phenomena appear—the primary importance, the absolute necessity, in fact, of experiment, makes itself felt. The study of the natural sciences, unless corrected and regulated by the results of experiments performed intelligently and honestly—that is, without any bias warping the facts so obtained into agreement with preconceived opinions—has a natural tendency to degenerate into a mere vain pretence of knowledge, resting, it may be, on a certain small substratum of truth, but either shrouded in mysticism or fettered by dogmatism, not capable of promoting the arts and amenities of life, or of affording any means of sound intellectual education.

History teaches us that these views concerning the nature and conditions of the progress of the study of these sciences are essentially true. Among the ancients, almost the only physical sciences

\* Sir J. Herschel's "Discourse on the Study of Natural Philosophy."

which received any cultivation at all, were astronomy and mechanics, including under the latter the dynamics and statics of solids and liquids. It was not possible that the more obvious phenomena presented night by night to man's gaze by the celestial bodies should escape notice; and it was equally impossible that the men who carefully observed and recorded them should not construct theories of more or less ingenuity and plausibility, to account for and explain them.

That such was the fact, we know; the observations of the Chaldeans and Egyptians were sufficiently numerous and accurate to serve as a basis for the predictions of eclipses, and had also been sufficient to render possible the discovery of the cycle of lunar eclipses. Moreover, the speculations to which these observations gave rise were just, and in themselves philosophical.

At the same time that astronomy was receiving its due share of attention from the ancients, attempts were made, and with considerable success, to investigate and account for the less striking examples of motion, and other manifestations of mechanical force which surrounded the observer on every side.

Before the era of Aristotle, mechanical science, both as an independent study, and as a pursuit ancillary to astronomy, made rapid, sound progress. Aristotle promulgated the dogma that the celestial motions were governed by laws peculiar to themselves, and wholly different from and independent of those concerned in the ordinary terrestrial phenomena of mechanics. The effect produced by the introduction of this principle into speculations in physical science was disastrous in the extreme. It at once degraded astronomy from a science into something little higher than a handicraft—into a mere science of record; and, more, it threw around it, and enveloped it in a net of ambiguous hypotheses concerning cycles and epicycles, which must have imparted to the study a tedium and irksomeness almost intolerable. In thus condemning the dogmatism of Aristotle in relation to the physical sciences of his time, I do not wish at all to dissent from the high admiration universally entertained for the Stagirite as a moral and even physical philosopher. His teachings prove him to have been a man far superior to the system he was the instrument of imposing upon subsequent observers; he himself seems to have thoroughly understood and admitted the importance of experience, including both experiment and observation, as the true foundation for the inductive sciences. Most of his works on physical science are not extant; but his treatise on animals, which, fortunately, has come down to us, contains a body of observations and a system of sound classi-



fication, which prove him to have obtained no mean and incomprehensive view of animated nature. In the department of natural history he was unrivalled among the observers of classical times; and in the faculty of philosophical generalization and speculation, and the employment of this faculty, second to few of the moderns. Some late writers, indeed, and notably some German naturalists, have gone so far as to assert that the germs of most of the really scientific views in biological science are to be found, more or less advanced, in the works of Aristotle.

With some few brilliant exceptions, it would seem that the study of the natural sciences was not congenial to the Greek mind. Perhaps this remark is more applicable to the latter than the earlier Greek philosophers. The advances in physical science made by such men as Thales, Pythagoras, and subsequently, Hipparchus, are of too great importance to be overlooked. Pythagoras indeed, advocated the general view of the relations of the solar system which is now universally received; it is said even that his speculations on the influences, or forces, which retained the various members of the system in their orbits, brought him very near the discovery of the solar attraction as the bond of union. The simplicity and beauty of the Pythagorean views cause them to stand in strong and favourable contrast with the unwieldy structure of hypotheses subsequently built up little by little, as fresh facts were observed; each addition serving but to increase the complexity, until the whole system of "cycle on epicycle orb on orb," resulted in hopeless confusion.

The Greeks, especially those subsequent to Aristotle, failed to prosecute the study of the natural sciences; chiefly, it appears, through adopting a vicious mode of inquiry. They proceeded, or rather they endeavoured to proceed, by the method of definition rather than by that of experience. That is, they forsook induction for deduction; and inasmuch as this can only be done with anything like success when physical science is very far advanced, they failed. Even when any physical science was so far advanced that men think they have attained its ultimate principles, the deductive method must only be employed with extreme caution, and the results so obtained require to be more rigorously tested by experience.

Subsequently to the researches of Aristotle, the spirit of inquiry, and the habit of appealing to Nature herself for the principles of natural science, languished more and more, and finally well nigh died out. They were succeeded by endless verbal discussions between disciples of different schools of philosophy, whose object appears to have been rather to triumph over an opponent than to arrive at the truth itself; or, if men did



trouble themselves with facts, it was generally to force them into agreement with opinions and principles held or enunciated on insufficient grounds, and often in themselves eminently unphilosophical.

The Romans were contented to receive their knowledge of physical science, together with the fine arts, from the Greeks, and to allow scientific research to remain at or near the point to which the latter had brought it. Their greatest naturalist, Pliny, the elder, did not advance beyond Aristotle in true and just insight into the history and nature of natural objects. The genius of the Romans produced jurists, not physicists or biologists; nor did the study of the natural sciences fare better among the observers of Arabia, or, subsequently, among the Arab occupants of the Spanish Peninsula. There appeared from time to time, among these, observers of great patience and industry, but they never ascended from the simple recording of facts to the higher inductive generalizations which lead to the evolution of natural laws, or the foundations of truly philosophical theories. In Europe, until the universal acceptance of the Baconian system of philosophy swept away the errors of the schoolmen, and the obstructions they opposed to free intellectual progress, century after century rolled by, each with few exceptional intervals disposing in its turn the same uninviting spectacle of physical research and laborious investigation, replaced by vain and empty verbal disquisitions on the nature of things, according to the view of the disputant; or declamatory vituperation of those who ventured in any respect to differ from the prevailing views of the Aristotelian philosophy.

Even during this darkest period in the history of science, men of more than usual intellectual vigour advocated in this war of words correct views concerning the nature of the physical sciences, and struggled to bring about a reformation in the method of studying them. Richard St. Victor, a learned theologian of the twelfth century, proclaimed that "physics discover causes from their effects, and effects from their causes." From this statement, brief as it is, we see that St. Victor had rightly apprehended the true relations to each other of induction and deduction in physical research, and the ends aimed at by it. "It would not be easy at the present day to give a better account of the objects of physical science."\* The restless minds of many of the alchemists, notably Raymond Lully, in the thirteenth century, urged them to demand a reform, although their demands were not in many cases accompanied by any proposed new system which might have rendered a reform practicable.† Dr. Whewell

\* Dr. Whewell's "Phil. of Ind. Sc."

† Ibid.

conceives the great faults of the middle ages to have consisted in indistinctness of ideas and the commentatorial spirit; at any rate, these are quite competent to have brought about the state of non-progression of physical science which is so characteristic of this period. The minds of the alchemists, even of Lully himself, were so greatly infected with these very faults as to disqualify them for the execution of any plan of reformers.

In the thirteenth century, however, an English Franciscan monk professed opinions wonderfully in advance of those current in his age—opinions which rendered him in every respect worthy to inaugurate a reformation in the methods and objects of natural science. Roger Bacon—Doctor Mirabilis, as he was not inaptly called by his contemporaries—enunciated with startling clearness, and advocated with forcible eloquence, sound views of the methods that should be adopted in the study of the natural sciences—views which were destined not to prevail until the time of Galileo and Lord Bacon. Roger Bacon promulgated, with a foresight almost prophetic, opinions that subsequently wrought a revolution in the world of natural science, at the very same time that “Thomas Aquinas was fashioning Aristotle’s tenets into the fixed form which became the great impediment to scientific inquiry.”\* Speaking of the conditions hostile to the progress of human knowledge, he remarks: “Quatuor vero sunt maxima comprehendere veritatis offendicula quæ omnem quemcunque sapientem impediunt, et vix aliquem permittunt ad verum titulum sapientiæ pervenire, viz. fragilis et indigna auctoritatis exemplum, consuetudinis diuturnitas, vulgi sensus imperiti, et propria ignorantia occultatio cum ostentatione sapientiæ apparentis. His omnis homo involvitur, omnis status occupatur.” The course of study recommended by Roger Bacon embraces firstly, the Holy Scriptures; secondly, mathematics and the use of experiment. In his “Pars Sexta” he vindicates the true dignity of experiment, enforces his opinion by arguments worthy of his great namesake, and illustrates the use of experiment by examples. He seems to have grasped the theory of induction almost as clearly as Lord Bacon himself, while in his application of the inductive method to the investigation and explanation of physical phenomena, he was much more successful. In the case of the rainbow, he gives a wonderfully good instance of the application of his method of investigation to the appearances of nature;† and, indeed, the subsequent explanation of this phenomenon was based upon facts of the kind observed by Roger Bacon. It would seem that the Doctor Mirabilis did not ex-

\* Dr. Whewell’s “Phil. of Ind. Sc.” † Dr. Jebb’s edition of the “Opus Majus

‡ “Op. Maj. Sext. Pars,” caps. ii.—xii.



ny very decided influence upon his age; in spite of his earnestness and his arguments, supported, as they were, by extensive learning, and, in some cases, conclusive experiment, the dogmatism of the schoolmen maintained an almost undisputed sway for three centuries more—that is, until the end of the sixteenth century.

Nearly simultaneously, Galileo in Italy, and Bacon in England—the one by experimental demonstration, the other by unanswerable argument—succeeded in reinstating the method of induction, based on experience, in its true position—that of foundation of physical science. From the commencement of this period of modern science, represented by such men as Galileo, Descartes, Bacon, and Newton, the limits of natural science have been greatly extended, fresh facts have been observed, and sound generalizations made with surprising rapidity. So rapid was the career of discovery, so signal the triumph of the inductive philosophy, that a single generation and the efforts of a single mind sufficed for the establishment of the system of the universe on a basis never after to be shaken.”\* It is not necessary to dwell upon the history of physical science posterior to this epoch, in which the natural sciences other than astronomy and mechanics may be said to take their rise, and which inaugurates the present phase of scientific research.

In drawing this slight sketch of the progress of the study of the natural sciences, I have not aimed at narrating all, or even a large proportion, of the events which the history of the subject discloses, such an object being beyond the scope of this essay, but have rather endeavoured to render prominent the conditions and methods which, I conceive, have been favourable, or the reverse, to the true progress of philosophical knowledge and theory in the domain of the inductive sciences. I have done this, thinking that such a plan, if at all satisfactorily carried out, could not fail to throw great light upon the best means of studying these sciences, and might also, perhaps, enable us in some measure to estimate the true place of such studies in any educational system.

Education is threefold in nature: it is moral, religious, and intellectual. It is as a direct means of intellectual education only that the admission of the study of the natural sciences is advocated in this paper. But, besides its direct use as an intellectual discipline, the advantages indirectly obtained from this study, both in moral and religious education, are far from inconsiderable. Were the opposite of this the case, I imagine that very few indeed would be found to maintain the view

\* Sir J. Herschel's "Discourse of the Study of Natural Philosophy."



that natural science should hold any place in a system even of purely intellectual education. It is, at any rate, certain that such a view could happily never obtain a general acceptance in the great centres of English education. The natural philosophers of modern times who have written on the subject of education have with singular unanimity expressed the opinion that the influence of natural science in moral education is extensive and beneficial. The formidable charge of antagonism to religion is now no longer brought against the study of natural philosophy—at least, with its former pertinacity and acrimony. It is reasonable to hope that it may soon be no longer urged at all. It is an accusation at once most painful to every naturalist of a well-constituted mind, and indicative either of intense bigotry or extreme ignorance on the part of the accuser. It would indeed be a result anomalous and incomprehensible if the study of those very facts on which the advocates of natural religion so strongly rely for the support of their opinions, were in itself subversive of religion altogether. Sir J. Herschel, in his *Discourse on the Study of Natural Philosophy*, remarks on this very point: “Nothing, then, can be more unfounded than the objection which has been taken, *in limine*, by persons well-meaning, perhaps certainly narrow-minded, against the study of natural philosophy and, indeed, against all science—that it fosters in its cultivators an undue and overweening self-conceit, leads them to doubt the immortality of the soul, and to scoff at revealed religion. Its natural effect, we may confidently assert, on every well-constituted mind, is and must be the direct contrary. No doubt the testimony of natural reason, on whatever exercised, must of necessity stop short of those truths which it is the object of revelation to make known; but while it places the existence and principal attributes of a Deity on such grounds as to render doubt absurd and atheism ridiculous, it unquestionably opposes no natural or necessary obstacle to further progress; on the contrary, by cherishing, as a vital principle, an unbounded spirit of inquiry and ardency of expectation, it unfetters the mind from prejudices of every kind, and leaves it open and free to every impression of a higher nature which it is susceptible of receiving, guarding on against enthusiasm and self-deception by a habit of strict investigation, but encouraging rather than suppressing everything that can offer a prospect or a hope beyond the present obscure and unsatisfactory state.”

Before proceeding to the discussion of the place which the study of natural science is entitled to hold in a well-arranged system of education, it will be expedient to inquire, and, so far as practicable, ascertain, what are the objects of an intellectu-

aining; for to this branch of education, in its widest sense, we have seen that this study belongs.

The object of education is to unfold and develop to the highest degree of excellence those faculties which are the common possession of all the members of our race—that is, the faculties of language and reason, according to these terms an extended signification. This mental discipline aims at qualifying the person submitted to it not only to derive keen satisfaction from the contemplation of the intellectual activity of his own and past times, and duly to appreciate the results of that activity in the promotion of the useful and luxurious arts, and in the production of works of standard literary merit, but also—this being, no doubt, the more important in the eyes of many students—to enable him to engage in the active business of after life with advantage and distinction. Any education which failed to do this would, *ipso facto*, be demonstrated to come short in a most essential particular, and would consequently cease to be an education in the widest and generally accepted meaning of the term. This comprehensive preliminary educational training is effected, not by instruction in the details and management of that one future career for which the student may be intended; such a course of instruction would be little better than an anticipation of the period of apprenticeship which is necessary in almost all cases before entering into the performance of those duties the execution of which gives use and dignity to adult existence: it would, at any rate, effectually do away with any such discipline as a liberal education at all.

This great ulterior object of education—the qualification of the adult to sustain with credit and success his part in the complicated circumstances and various vocations of life—is mostly attained by a discipline which enables him to acquire and apply to his own use the results of the labours of the great thinkers who have preceded him, and to derive profit from their stored-up experience; and which, further, by cultivating his reasoning power and developing a habit of patient investigation, brings his intellectual powers to such a state of efficiency that they shall, with the greatest advantage to their possessor, be able to guide him in the conduct of affairs in the ever-varying conditions in which he will of necessity find himself placed. The objects, therefore, of education are twofold. “It has two distinct ends to accomplish: namely, first, that of disciplining and developing the several powers of the mind; and, secondly, that of imparting to it certain kinds of useful general information.” \*

\* Professor Daubeny's Lecture on Education, delivered before the Royal Institution in 1854.



It is usual—and perhaps just—to insist especially upon the greater advantages derived from the attainment of the former object. But there can be no doubt that any study which does discipline and develop the several powers of the mind and at the same time impart to it useful general information exhibits in so doing a singular fitness for admission into a system of liberal education, and should take a prominent place in it. Now, I think it would be difficult, nay, even impossible to find any study which more amply fulfils both these conditions than that of the natural sciences. I should be very diffident of putting forward this view, did I not know that it is one very strongly held, I may say, by all the men of distinction in the natural sciences, both those who have risen to their present eminence without the advantage of a thorough classical and mathematical training (and who might be suspected of undue partiality for those lines of study and thought to which they have devoted themselves, and by which they have become famous), and also those who are entitled to speak with authority, as classical scholars or mathematicians, as well as natural philosophers.

The studies followed in a system of education have been divided into permanent and progressive. In the former are included the languages and literature of the two great nations of antiquity—the Greeks and Romans, the more synthetic parts of mathematics, and some very small portions of well-established sciences, almost entirely such as rest on mathematical proofs. To the latter belong modern literature and the sciences of comparatively recent date, to which additions are being now made day by day by the researches of our contemporaries; and the newer portion of those sciences which were first cultivated by the philosophers of antiquity. Both permanent and progressive studies should educate in due proportion the inductive and deductive faculties. The ratio borne by the cultivation of the inductive to that of the deductive faculty in educational systems will, of course, vary from age to age, according to the state of excellence exhibited by the knowledge of the time. In the classical world, when inductive sciences had scarcely arisen, the education was wholly deductive. The leading constituents of such an education were geometry and jurisprudence. The combination of these two sciences was as satisfactory a mental discipline as, perhaps, the deductive system can provide: the two studies are effectively supplementary the one to the other, the teachings of the one obviating the evil results that would naturally arise from the unchecked tendencies of the other. “Geometer and jurist, the pupil formed by this culture of the



world, might make no bad figure among the men of letters or of science, the lawyers and the politicians of our own times." \*

These elements of education which trained—and trained so excellently—the minds of the great men of antiquity, still maintain their place in our existing systems of mental culture. Together with the study of classics, they make up the usual permanent studies of a liberal education. Because, however, owing to the rapid extension of the sciences, and the increasing thoroughness of the inductions on which their generalizations rest, I claim for them admission not only into progressive but also into permanent studies, I do not in the least desire to undervalue the advantages of these older parts of education. I by no means wish to see their place usurped by these other newer departments of knowledge; nay, in the interests of the latter, I should deprecate such a change. But I do think that a pertinacious and exclusive adherence to the old educational methods is wholly incompatible with the enlarged views of modern times, and savours rather of bigotry and intolerance than of a wise and commendable conservatism. "Induction, rather than deduction, is the source of the great scientific truths which form the glory and fasten on them the admiration of modern times; and a modern education cannot be regarded as giving to the intellect that culture which the fulness of time and the treasures of knowledge now accumulated render suitable and necessary, except it convey to the mind an adequate appreciation of and familiarity with, the *inductive* process, by which these treasures of knowledge have been obtained. As the best sciences which the ancient world framed supplied the best elements of intellectual education up to modern times, so the grand step by which, in modern times, science has sprung up into a magnitude and majesty far superior to her ancient dimensions, should exercise its influence upon modern education, and contribute its proper result to modern intellectual culture." †

These are reasons why classics and mathematics (especially the geometrical part of them) must always occupy the larger share of the earlier portions, at least, of the permanent studies of general liberal education. In the first place, their teaching is *deductive*. Although in the extension of most modern sciences, and also in the more frequent trains of thought which, in active life, result in deliberate action, and embrace the two, induction precedes deduction; yet the latter is generally an operation so much more simple than induction, that it can be

\* Lectures on Education, Royal Institution, 1854.

† Dr. Whewell's Lecture on Education, Royal Institution.

most readily and fitly cultivated in the earlier periods of mental training. These studies, again, while they constitute, themselves, a most valuable discipline, embody useful general learning, knowledge, and skill, in the application of which are absolutely essential in the prosecution, to any noteworthy extent, of the higher branches of inductive science; and not in this only, but also in the ordinary affairs of life. Another very strong argument in their support is derived from the historical interest which attaches to them. By them, as it were, the mind becomes associated with the intellectual labours of past ages, is enabled to appreciate the standards of literary excellence created by the cultivated minds of classic times, and to a certain extent, almost to share their mental triumphs.

Still, without the study of the natural sciences, any course of permanent education is defective. It is necessary to understand that there may be trains of argument, as conclusive as those of geometry itself, concerning the relations of events that fall within the cognizance of the different branches of physical or biological research, although the terms involved in these arguments, conveying as they do to the mind accustomed to such conceptions impressions perfectly distinct, may not be susceptible of a verbal definition, so exact as those given by geometers of the lines, angles, and other elements of their science. A rightly conducted course of study in the natural sciences teaches that the due appreciation of the significance of such terms can only be obtained as the result of experience; hence follows the inculcation of a habit of carefully observing the phenomena or things to which such terms are applied. Such a habit when once contracted in the case of the elements of natural science is naturally extended to the various affairs of after life. It would not be at all difficult to adduce numerous examples of the effects due to the absence of such a training in the case of eminent men, whose education has been almost exclusively of the deductive kind. Probably lawyers and mathematicians are of all men, by their pursuits, most prone to take on trust the data concerning the combination of which they subsequently exercise their ingenuity. Accordingly we find that, among the educated classes, there are none which afford more supporters of and believers in, the various illusions of a supernatural, or simply physical order, which from time to time spring up.

Professor Faraday, in speaking of the mental education derivable from the study of the natural sciences, lays great stress upon this tendency to develop the "judgment," which appears inherent in such pursuits. I do not at all wish to convey the impression that the study of mathematics, in some of its par-

does not very largely develop this faculty. It does so, no doubt, but mostly in regions of abstract thought, far removed from the concerns of ordinary life, and therefore the faculty of judgment produced by this method of culture is not so likely to adapt itself to the commoner and less exalted occurrences of existence, as if it had been perfected in the school of natural research, where numerous facts are observed and collated, before any theoretical generalization can be based upon them, and where the judgment is constantly at work upon such generalizations to verify them by another equally numerous set of facts derived from all sources, even the most trivial, in the world around us.

This habit of first verifying data before proceeding in any way to combine them into systems, or to act upon them, is in itself most valuable throughout the subsequent life for which the student is prepared in education. It is a habit which although apparently simple, and possessing obvious advantages, is not by any means readily acquired, and one which a glance at the surrounding world shows a very large proportion of men either never acquire at all, or not to any great extent. The want of such a custom of carefully investigating the facts, to opinions founded on which our assent is demanded, was lately, and is still, shown in a remarkable degree by the success of such an imposture as table-turning. Referring to such displays of credulity, Professor Daubeny of Oxford, in a pamphlet\* published by him in 1853, remarks,—“My complaint, however, against the table-turners, is not so much that they should entertain any theory which may suggest itself to their minds, for the sake of accounting for phenomena, which, however considered, present without doubt a certain amount of difficulty; but that having adopted this or that hypothesis, they should have shown themselves so incompetent to carry on the experiment, which none could substantiate it, or reconcile it to the laws of the element which they begin by assuming.”

The subjects usually included in the permanent studies of a system of education deal only with certainties. They leave no place for a balancing of opinion, or for an absolute reservation of it; they thus tend directly to foster the inclination, already very strong by nature, to proceed hastily to an affirmation or negation. The mind appears averse to remain in a state of suspense between the extremes of opinion; such a state is one of continuous effort. Nevertheless, the advantages of a judicial frame of mind are, in numerous circumstances, very striking. The power of forming a proportionate judgment, is one which acquaintance with the truths and methods of natural science

\* “Can Physical Science obtain a Home in an English University?”



is well calculated to evoke and maintain. In natural science we become acquainted with various groups of important facts, concerning the existence of which, as facts, there can be no doubt whatever; when, however, we attempt the correlation and explanation of them, we frequently have to weigh the merits of rival hypotheses, each of which will fully account for all the phenomena hitherto observed. In such a case, we must reserve our judgment until the progress of research furnishes further evidence, which shall either lead us to form a proportionate judgment, or to give full acceptance to one or other of the different modes of explanation.

It may be urged that advantages, such as those I have affirmed will follow a training in natural science, are to be obtained only in original research, and are not possible results of so comparatively small an acquaintance with the subject which alone can be obtained during those years in which education, in its ordinary sense, can be conducted; that, in fact, the acquisition of such a knowledge of natural science is a mere task of memory, and therefore is not accompanied by the educational benefits which I have mentioned. This I take to be a fallacy in a twofold sense. If the student of natural science be so instructed, that the subject of his study be represented to him as a bare collection of facts to be stored in the memory, doubtless but a slight educational benefit will accrue to him; but in this case the imperfect result is due to the inability or carelessness of the teacher, not to the science supposed to be taught. Again, the student is individually in the position of a discoverer; his attainments may be at any stage of his career very far below the existing level of the science in which he is working; but he is ascending to that level by the same gradual inductive method as those original workers who have raised the science to the point at which he finds it.

The late Professor Edward Forbes,\* in his vindication of the claims of the study of natural science to be admitted among the usually recognised branches of education, expressed the following very just view of its relations to the other means of mental culture:

"The great defect of our systems of education is the neglect of the *educating* of the observing powers—a very distinct thing, be it noted, from scientific or industrial *instruction*. It is necessary to say this, since the confounding of the two is evident in many of the documents that have been published of late on the very important subjects. Many persons seem to fancy that t

\* "On the Educational Uses of Museums (being the Introductory Lecture of Session 1853-54, at the Royal School of Mines)."

lements that should constitute a sound and manly education are antagonistic—that the cultivation of taste through purely literary studies, and of reasoning through logic and mathematics, one or both, is opposed to the training in the equally important matter of observation through those sciences that are descriptive and experimental. Surely this is an error. Partisanship of the one or other method, or rather department, of mental training to the exclusion of the rest, is a narrow-minded and cramping view, from whatsoever point it be taken. Equal development and strengthening of all are required for the constitution of the complete mind, and it is full time that we should begin to do now that we ought to have done long ago.”

I have endeavoured to show that the study of the natural sciences does exercise and train the reason as completely as the clerical permanent studies, while it develops the faculty of judgment and the powers of observation in a far higher degree. The natural sciences do, moreover, contain a body of exact knowledge which for a long course of years has already been possessed by the well-educated natural philosopher. The principal doctrines of the chemical, physical, and biological sciences are now as much integral portions of the permanent intellectual inheritance of this and future generations as the truths even of mathematics. They are intimately associated with the greatest intellectual triumphs of recent times, and with the rapid increase of the arts of civilized life. The nobility of the subjects discussed by the student of these sciences is not only unsurpassed but unequalled by that of any other kinds of human learning; for surely the operations of nature which manifest to the thoughtful investigator the laws by which the Deity sees fit to regulate the universe, and all these laws themselves, are subjects of contemplation at least not inferior to the noblest exhibitions of human art or literary skill, to the laws which govern man's thoughts, or any systems of abstract ideas he may have built up for himself. On these grounds alone, the study of natural science should assume an honourable place among the permanent studies of any liberal education. But this study does pre-eminently achieve the second object which education should accomplish. While it, to the greatest extent, trains and disciplines the intellect, it more than any other means of mental culture, stores the mind with useful general information immediately applicable in many cases likely to occur to the exigencies and wants of every-day life.

We thus see that the study of natural science fulfils the two orders of every system of education. In the first place, it disciplines and develops the several powers of the mind; and in the second, it imparts to it certain kinds of useful general information.

In the more elementary portions of the permanent studies of an education, it will, I conceive, always remain expedient to allow classics and mathematics to predominate over, but not to exclude the natural sciences. The considerations which induce me to hold this view I have already stated. In the higher parts of such permanent culture, however, it appears to me that the study of natural science should take a prominent share. Inasmuch as in this higher part most students have neither the opportunity nor the inclination to follow more than one line of study I should, at this stage, allow natural science to assume a place of rightful equality with the older studies of classics and mathematics. Nor need such an arrangement be opposed by the supporters of the older methods of intellectual education, on the ground that it would materially lessen the number of those who distinguish themselves in classics and mathematics. The proportion of those among any great body of students who devote themselves to the higher parts of any educational course is never very large, and there is no reason to suppose that the number of young men who would study the higher branches of natural science would be at all larger, even under the most favourable circumstances, than the number of those who now compete for the higher honours in mathematics or classics; and it is likely that they would not be drawn from those who now pursue the classical or mathematical methods, but from those who, under the present conditions, never advance to the higher educational studies at all. Indeed, for very many years, until mental culture by means of natural science is more firmly rooted in our principal schools and colleges, and this study is as much stimulated by the prospect of possible emoluments or distinctions as classics and mathematics, the study of natural science must, in all probability, reckon fewer votaries than classics and mathematics. More prejudicial to the introduction of the study of natural science into the system of education usually adopted in this country even than the four offencicula mentioned by Friar Bacon in his "Opus Majus," is the belief which has gained ground that this is an easy study, and one not so effectually calling into play the highest powers of the human mind as classics or mathematics. How this opinion can have originated, it is not at all easy to understand; it is one which can only be adopted by those wholly ignorant of the kind of learning they depreciate, or in consequence of the standard of excellence in this department erected by some so-styled school of natural science being far too low.

The discipline of natural science is one which requires the labour and attention of years on the part of the student who desires to reap the utmost advantage it is capable of bestowing.



t should be commenced early, for the habits of keen and cautious observation which it engenders, and on the acquirement of which its successful prosecution so greatly depends, can be inculcated with greatest facility in youth; at this period of life the natural bent of the mind seems towards studies in natural science. The groundlessness of the statement that such studies are in their nature easy, appears at once from the consideration that they have engaged the lifelong attention of many of the philosophers whose names are most illustrious in history.

If it be admitted, as I think it must be, that natural science should receive a very considerable share of the attention of students occupied in the permanent studies of a system of liberal education, there cannot well arise any opposition to its taking its place as one of the courses of progressive study for those whose ability and diligence lead them to seek the maximum benefit to be derived from an educational system. The objections urged against natural science as an educational method, are less applicable to the higher and more advanced, than to the lower parts of the subject. In these higher generalizations, it is no longer possible to speak of the study as a mere work of memory concerning unconnected facts and phenomena. By the processes of induction, starting with observational experiment, the student of natural science rises from the first-discovered laws relating to small groups of physical facts, to generalizations of these into other natural laws of ever-widening applicability, and ultimately to the highest principles of his science—principles of the greatest simplicity and widest generality. The investigation of these ultimate principles, which is the most exalted aim of the philosophical student of the natural sciences, affords a method of the very highest intellectual culture. Since “in raising the higher scientific inductions, more scope is given to the exercise of pure reason than in slowly groping out our first results,”\* the educational advantage of these studies increases with the extent to which they are prosecuted, and at the same time the mind of the student gains useful information of ever-increasing value and applicability in every-day life.

If it be true, as Dr. Whewell affirms, that in the permanent studies of education the mind is connected with the intellectual and literary triumphs of past ages by the study of standard works which have come down to us; and in the progressive studies it is associated with, and trained to find delight and interest in the mental activity of the present and the future, then, I think, the class of the studies which form the subject of this essay, to an honourable position in any scheme of general education, are in-

\* Sir J. Herschel's "Discourse on the Study of Natural Philosophy."

disputable. There is no question that the intellectual activity specially characteristic of this age, manifests itself in the field of the natural sciences; and yet, forsooth, the opponents of all change in the existing educational system maintain that the study of these sciences alone ought to be excluded from playing any but the most ignoble part in the mental discipline of the time.

The recognition given to these pursuits by our old universities is very slight, and the prizes within the reach of natural science students scanty indeed, compared with the emoluments granted to those who exhibit excellence in the older studies of the Oxford or Cambridge course. In this respect, however, Oxford appears more liberal than the sister university; there are in the former a small number of purely natural science fellowships, while in Cambridge not one of the present fellows owes his position to proficiency in this pursuit alone. The result of the Cambridge system of only rewarding students of the physical sciences with scholarships tenable for a few years only, that is in most cases until the scholar takes his bachelor's degree, is that the undergraduates do not study pure science *per se*, but, as a rule, merely devote themselves to such departments of it as can be applied with most advantage to the subsequent prosecution of the medical profession. In thus acting, the university is not self-consistent; in her other schools she does not aim so much at explaining the way in which truths may be turned to financial account in the struggle for existence beyond her precincts, as in imparting a philosophical grasp of the truths themselves for their own sake. Why in this branch of her educational training only is utilitarianism allowed to triumph?

In treating the physical sciences so disrespectfully, the universities not only inflict injury upon them, and to some extent impede their progress, but also voluntarily forfeit no inconsiderable share of their own influence, and circumscribe their field of usefulness. Among the students at the universities there must always be a great amount of available talent and energy lying idle; this would be to some considerable extent lessened if the dignity and value of the studies that form the subject of this paper were more fully recognised. Many, no doubt, whose inclination does not prompt them to proceed to the highest part of a mathematical or classical training, and who do not, consequently, receive the maximum advantages of an educational system, would in the natural science schools receive the benefits which the more advanced permanent and progressive university studies alone confer. The beneficial influence of the universities

their own members themselves would thus be extended; while, at the same time, the spirit of something very like hostility that is beginning to appear in some of our distinguished physicists and biologists, to the old centres of education (in itself no small evil) would disappear.

“An university should by its very essence be *universal*, both as to the persons educated, and the studies pursued there. Nor should it be confined to the education of the youthful students; the maturer votary of learning or science should find a home and encouragement within its precincts, while a general education is prescribed to all; those requiring it should have every facility for making themselves acquainted with their future profession. There are branches of learning which are of immediate value in the instruction of the young; there are others which do not pay their own way, however important in the world at large. None of these should be unrepresented in the universities of the land, where there should be found a galaxy of talent both among the youthful and the maturer students, where every effort should be used to retain the service and promote the studies of those who are found capable of advancing science and learning.”\*

\* “Observations on the Cambridge System,” by A. H. Wratislaw, M.A.



## NOTES FOR A HISTORY OF SANITARY LEGISLATION.

BY EDWIN LANKESTER, M.D., F.R.S.

**I**T was an early experience of mankind that certain external agencies produce disease and death, and amongst the earliest nations of antiquity certain practices were inculcated for the prevention of disease and securing health. In the books of Moses we have a surprising instance of the care which was taken to prevent disease by the inculcation of hygienic precepts, and the adoption of sanitary laws. Although these laws and precepts were part and parcel of the great religious system under which the Jews lived, and were superintended and enforced by the priests of that religion, there can be no doubt that one great end which they secured was the health of the people. Burdensome and unnecessary as some parts of the sanitary code of Moses might be regarded in countries like our own, they nevertheless, as a whole, comprise great principles of action, which it is somewhat astonishing should have been so entirely overlooked by the modern nations of Europe, who have for centuries regarded the mission and laws of Moses as divine.

In the distinction that is made between clean and unclean animals, although in some instances we cannot detect an objection on the score of the indigestibility or impurity of the animal, yet, on the whole, the creatures forbidden to be eaten belong to groups which are most objectionable in a sanitary point of view. The flesh generally of those animals which feed on others was forbidden, as the lion, the tiger, and the various forms of carnivorous birds, as the eagle, the vulture, the osprey, the swan, and others. Although mankind do not generally obey the law of Moses at the present day, they nevertheless instinctively avoid the flesh of such animals as food. Practically it is found that such flesh is liable to produce a condition of the blood which is unfavourable to health; it is also more liable to putrefactive changes, and this would be especially the case in hot countries. (Lev. ch. xi.)

The eating of blood was also forbidden, and this may be regarded as a wise precaution in hot climates; it was also connected with the physiological view, that in the blood is the life of the animal. These interdictions, having been repeated by the

early Christian teachers, have more or less influenced Christendom to the present day.

The regulations also enforced with regard to the secretions of the human body were such as to secure the greatest possible immunity from any diseases that might arise from a want of proper attention to cleanliness. Again, we find in the laws concerning leprosy which extended to the clothes and the houses of persons affected, that they were such as to secure the greatest possible immunity from the risk of contagion. These rules were probably applied to all forms of eruptive diseases, and there is no doubt that could the general principles involved in these laws be carried out at the present day, they would go far to prevent the spread of the various forms of zymotic disease to which mankind is at present liable. Instances are not wanting to show that even in our times, where Jewish communities carry out these parts of the ceremonial law, that they have exhibited a remarkable freedom from epidemic diseases.

In the directions given for the regulation of the camp (Deut. h. xxiii., ver. 12), there is a remarkable direction given for disposing of human refuse. The Israelite is directed to bury in the soil immediately that matter, which, being allowed to accumulate in the towns and cities of modern Europe, has been the cause of widespread disease and death. Even in the special ordinance of circumcision there seems to have been a reference to sanitary requirements.

The practice of embalming the dead was one which prevented that speedy decomposition the neglect of which at the present day is a frequent cause of disease. The dead were also buried away from the living, and the practice of burning was not unfrequently had recourse to.

Many of these practices, however, are not exclusively Jewish, and some of the Oriental nations have carried into effect similar methods of securing the health of their teeming populations. We do not, however, find any sanitary code equally explicit with that of Moses amongst the nations of antiquity, unless we except the laws of Lycurgus, under which the Spartans lived, but which were peculiar, and especially adapted to the development of the military spirit amongst this nation of warriors.

The culture of the Greeks early led to the establishment of medicine as an art in the hands of the Asclepiadæ, who gave general directions for the prevention of disease to all who resorted to their temples of health for their advice. Amongst this class of men arose the great Hippocrates, whose works must be regarded as the first attempt to reduce to law the facts on which the art of preventing disease is founded.

Hippocrates not only wrote on the predisposing causes of

disease and the nature of epidemics, but we are told that his services were engaged to advise as to the best means of extinguishing the great plague of Athens. Whether this was the case or not, it is interesting to find that at this time there existed among the Greeks the impression that an application of remedial measures, as resulting from the observation of physical laws, might be the means of arresting plague. Thus it is stated that Hippocrates recommended during the existence of the plague in Athens the kindling great fires in the streets, by means of which the plague was stayed. This practice of lighting fires in districts affected with malaria is known to be of service at the present day, and its efficacy can be understood when we reflect on the fact that all morbid poisons are destroyed by heat, and that the heating of the atmosphere is one great means of disturbing that stillness of the air which has been always favourable to the spread of infectious diseases.

The work of Hippocrates "On Airs, Waters, and Places," is so important as to demand notice here. It is divided into six chapters. The first comprehends some general observations on the importance of cultivating a knowledge of the effects which the different seasons, the winds, the various kinds of water, the situation of cities, the nature of soils, and the modes of life exercise upon the health, and the necessity of a physician being acquainted with the details of these circumstances, if he would wish to practise his profession with success. It is in this part of his work he dwells more particularly upon what has been called the "constitution of the seasons," and the study of which was dwelt upon so much by Sydenham. The second chapter is more particularly devoted to the consideration of the influence of the various winds on health. We can truly say that no modern treatise has more accurate observation or wiser practical conclusions than this work of the great Greek master. The third chapter treats of water; and if we find here a deficiency of chemical knowledge, we still find the writer investigating according to his knowledge, and arriving at rational conclusions in opposition to the mere routine of the time. The fourth chapter treats of seasons, and enters not only on the consideration of particular seasons, but on the effects on the human body of successive seasons of the same or of varying characters. In the fifth chapter he deals with the great subject of the influence of social life and intellectual development on the appearance of disease. He here anticipates some of our modern writers on the history of civilization by pointing out the effects of the rich soil, and the calm and changeless climates of Asia on the habits and characters of its inhabitants. This subject is also pursued in the last chapter, in which the peculiarities of the European races



and their institutions are traced to the nature of the climate and soil of that part of the world.\*

The work on Epidemics by Hippocrates is interesting from the fact that it dwells on the nature of those diseases that are produced by the epidemic constitution of the air. However instructive these works may be, they fail in the recognition of the distinct forms of fever, and in many of the cases mentioned we can only guess at the relation they have to our modern notions of the nature of disease. It is very evident that the idea of contagion never entered the mind of Hippocrates, nor had he any notion that the fevers he describes were the result of a special poison, or *materies morbi*.

Besides Hippocrates, Greek history gives us the names of other celebrated physicians whose services were secured by the State or the performance of public duties. Plato maintained that the commonwealth is not complete without the medical element, and argued that it was one of the first necessities of the Government to provide State physicians (*ευτεπολει ιατρους*), who should be acquainted with the laws which govern health and disease.

The Greeks also cultivated gymnastics as a part of sanitary as well as medical discipline. It is true that the practice of gymnastics has been charged by several writers as having been abused both as a physical training and a cure of disease; but the practice clearly indicates a sense of the importance of exercise in maintaining health and removing disease. The Greeks also were in the habit of bathing. The principal cities contained public baths, which were open to all classes of the population.

In passing from Greece, we leave the brightest period of the story of our science behind. "The Romans," says Mr. Lumsey, "scouted the healing art, refused to recognise its prophylactic office, expelled the Greek medical philosophers, and reduced practitioners of medicine to a servile condition." † Under the first Cæsars, however, the medical office was more esteemed, and eventually public physicians were appointed to the principal towns of the empire. Speaking of these officers, Mr. Lumsey says that "they do not appear to have been debarred from private practice, although the object of their public appointments—the cure of the poor—for which they received yearly stipends, was made paramount. They were not permitted by the civil law to receive specific remuneration promised for cure during the alarm and peril of sickness; but they might be retained and their attendance secured under agreement with persons in good health." ‡

\* The Genuine Works of Hippocrates, by Francis Adam, LL.D. (Sydenham Society.)

† Essays on State Medicine, p. 298.

‡ Ibid.

Amongst Roman writers who referred to the subject of public health, we may especially refer to Celsus, whose excellent treatise on medicine contains a large number of hygienic precepts, and a philosophical perception of the importance of the subject. In the conduct of their large armies, the Romans, on some points, paid great attention to the rules of public health. The sites of their camps have always been regarded as examples of the care that was taken to secure localities free from the influence of injurious exhalations from the soil; they were also particular about the supply of water to their soldiers, and inculcated the practice of bathing.

The remains of Roman architecture also show that the supply of pure water to towns was regarded as essential to the welfare of their inhabitants. The practice of bathing amongst them which undoubtedly originated in the conviction of its value in relation to public health, became converted, in the later period of the empire, into a luxurious indulgence, to which has been traced, in some measure, the effeminacy which characterised the race during its decadence.

In ancient Rome, the first attempts were made to remove the refuse of the city by means of arched ways under ground, which were called *cloacæ*, and which were the first artificial sewers of which we have any record. The *cloacæ* of Rome consisted of several branches, which ran in the low part between the hills; these branches fell into a very large main drain, called the *cloaca maxima*. This is said to have been built by Tarquinius Superbus. A portion of this *cloaca* is still visible near the arch of Janus. The arched drain of the *cloaca maxima* is fifteen feet wide and thirty high. Smaller drains of wood or clay intersected the city, and drain pipes issued from the houses and brought all the refuse into the main sewer. There is evidence to show that these drains and sewers were superintended with great vigilance and kept thoroughly clean. The superintendence of these *cloacæ* was at first under the direction of the censors, but this duty afterwards belonged to the *ædiles*. Eventually the emperor appointed the officers whose duty it was to look after the drainage of the city, under the name of "*Curatores cloacum*."

From the fall of the Roman Empire to the revival of letters in Europe we find little trace of sanitary legislation. Some remains of Roman medical legislation descended to the mediæval Western Empire, and the towns of Italy in the fifteenth century are said to have had their *medici condotte*. Such was the learned Veronese, Alexander Benedictus, who, after distinguished services in the army, was appointed to the public charge of Padua.

In the early part of the fifteenth century, the office of *meister-arzt* (chief doctor) was created by the Emperor Sigismund in every imperial city, with a salary from the ecclesiastical revenues, and a solemn charge to the person appointed to attend the poor gratuitously, and to earn his stipend by a zealous and faithful discharge of his duty. Nuremberg appointed a medical officer of health (*stadt-arzt*) in 1518, and the office was a general one in the free towns of Germany at the end of the sixteenth century. The duties of this officer were partly devoted to the prevention, and partly to the cure of disease. The *kreis-physicus* (district physician) of the present day is the descendant of the older officer. The duties of this officer at the present day, as given in Mr. Rumsey's work on "State Medicine," are—

"I. The general sanitary condition of his district.

"II. The medical treatment of the sick poor; in some States attending personally; in others (where the *kreis* is larger), inspecting the curative duties, the vaccination, &c., performed by the district surgeons—*land-ärzte* and *wund-ärzte*.

"III. Hospitals and houses of recovery, mineral baths, foundling and orphan institutions, poor-houses, prisons and houses of correction, schools and colleges, and police force, so far as relates to the hygiene of these establishments.

"IV. During epidemics and epizootics, the *kreis-physicus* is to furnish instructions for health-preservation, for attendance on the sick, and for general management, and to superintend their execution. In this department he is often aided by the surgeon (*kreis-wund-arzt*), and the veterinarian of the district (*kreisthier-arzt*). Although regarded as equal in official rank with the magistrate, or *landrath* of the *kreis*, he is to receive all necessary decisions from him, and carry them into effect.

"V. He is to promote and aid medico-legal inquiries of all kinds. With the co-operation of the district surgeon, he is to make examinations for inquests, and to attend on all sudden occurrences dangerous to the public safety.

"VI. It is his special business to inspect and register medical men of all classes within his district, whether physicians, surgeons, apothecaries, or midwives, according to their respective qualifications and modes of practice. In some States he is to advance scientific medicine, by establishing a medical book society, either in his whole district solely, or in conjunction with a neighbouring *kreis-physicus*.

"VII. He is to visit the shops of apothecaries, and to inspect their drugs and preparations.



“VIII. He is carefully to notice the produce and sale of all articles of food, as far as health-police is concerned.

“IX. He is to report quarterly on the preceding matters and, in addition, on medical topography, including meteorological observations, notices of natural phenomena, and changes in the organic world; on agricultural statistics; on the sickness or epidemic constitution of the period, with a summary of the cases attended by individual practitioners, and a particular notice of important events, such especially as affect medical-police on quackery, irregular and novel practices of all kinds, incompetency of practitioners, and contravention of medical laws and once yearly on the census of the population, with remarks on the returns of vital statistics.” \*

We now turn to France. As far back as the middle of the fourteenth century (1350), there was a health or sanitary police in Paris; and the depositions, which are still among the archives of France, testify of the insalubrity of the city, and of the efforts that were made to improve it. A century later (1486), when Paris became the seat of unwholesome trades, became necessary to issue *ordonnances* for their management. Under the advice of a council of physicians and surgeons, the prévôt of Paris prohibited the potiers from having manufactories within the city, on account of the insalubrity of the smoke. In the same century the butchers, tanners, curriers, and dyers were subjected to sanitary regulations; and in 1668 there was convocation of physicians at the instance of the lieutenant of police (Reyre), to deliberate on a sanitary question relative to the fabrication of bread.

Shortly afterwards the provinces imitated the example of Paris, and took measures for the protection of the public health. In 1692 there was an edict creating physicians experts-jurists in all the cities of France, and from that time there were frequent consultations, at the instance of the Government, on matters connected with hygiene. M. Lenoir, one of the lieutenants-general of police, who interested himself very much in the salubrity of Paris, habitually consulted two pharmacians, Pia and Cadet de Vaux, on questions of salubrity. The first of these pharmaciens founded the establishment for the recovery of the drowned and asphyxiated, and the second took the title of inspector-general of salubrity. This was 1774. Soon afterwards the Royal Society of Medicine was founded. It brought to the assistance of the State a competent

\* Rumsey. Essays on State Medicine. 1856.

council, which furnished many valuable reports on sanitary questions of great importance.

Then it was that the authorities perceived the necessity for creating a national Council of Hygiene, and in 1802, the first préfet of police, M. Dubois, established the "Conseil de Salubrité." He nominated Deguet, Parmentier, Hugard, and Cadet de Gassicourt the first members, and deputed them to examine, visit, and report on drinks, epizootics, manufactories, workshops, &c., in Paris and the rural communes of the Seine. Other members connected with the School of Medicine were shortly afterwards associated with them, and their duties were considerably increased. In 1807, when they received a new organization, the number of members were seven, and their duties were the treatment of epidemics, the examination of markets, rivers, cemeteries, slaughter-houses, filth depôts, dissecting rooms, cesspools, emptying of privies, cleansing of sewers, public baths, depôts of mineral waters, &c. For many years the constitution and functions of the Council remained the same, and its annual reports were continued to the medical police of Paris, but gradually the Council extended its sphere of action and took cognizance of public works, and offered advice on the sanitary condition of the army and navy. Then it was that its organization was enlarged, and the official engineers of Paris and the chief surgeon of the army were added to the Council. By a decree of 1848, the advantages of the institution were extended to the provinces of France, and each department had its Council of Public Health. Lyons, Marseilles, Lille, Rouen, Bourdeaux, Nantes, and some other cities rivalled each other in the energy with which they pursued the sanitary labours. Other cities, however, were not so zealous in the conduct of their affairs, and thus there was a disjointed set of operations; in fact, the reports of different arrondissements were characterised by the different views which were taken of local questions of hygiene. It was, therefore found necessary to bring them into some order, by placing them under the direction of a superior Council of Hygiene. This was done in 1851, and the central council was brought into relation with the Minister of Agriculture and Commerce through the agency of the Préfet of Police. Its special duty is to coordinate all the materials furnished by the sanitary councils and commissions of departments, in order that they might serve for the preparation of legislative reform relating to the public health, and thus bring the laws into harmony with the wants of the population and the progress of science. This body, however, is entirely consultative, and has little or no executive power. In fact, although its range of inquiry is large, its prac-

tical utility is but small. Nevertheless, it is untiring in its investigations, and its reports are full of the most interesting facts of public hygiene. Many volumes have been edited by MM. Parez du Chatetet and Marc, and very recently the secretary of the Council, M. Trabuchet, has presented a general report on the works and proceedings of the Council for ten years, viz., from 1849 to 1858 inclusive. It is upon these reports and proceedings that the *ordonnances* of police in France are based, and thus although the numbers of the Council of Public Health are not invested with executive power, they are indirectly the means of great public usefulness.

The decree of December 15, 1851, contains the following instructions :

Art. 1. The Council of Salubrity established near the Prefecture of Police preserves its actual organization ; it will take the title of *Conseil d'Hygiène Publique et de Salubrité du Département de la Seine*.

The nomination of the members of the Council of Public Hygiene and of Salubrity will continue to be made by the Préfet of Police, and to be submitted to the approbation of the Minister of Agriculture and Commerce.

Art. 2. It will be charged in this quality throughout the jurisdiction of the Prefecture of Police, with the instructions mentioned in Articles 9, 10, and 12 of the resolution of December 18, 1848.

Art. 3. It will establish in each of the arrondissements of the city of Paris, and in each of the arrondissements of Sceaux and St. Denis, a commission of Hygiene and Salubrity composed of nine members, and presided over in Paris by the Mayor of the arrondissement, and in each of the rural arrondissements by the sub-préfet.

The members of these commissions will be named by the Préfet of Police from a list of three candidates presented at each place by the Mayor of the arrondissement in Paris and the sub-préfets of Sceaux and St. Denis in the rural arrondissements.

The candidates will be chosen from the notable inhabitants of the arrondissement. In each commission there will be always two physicians at least, one pharmacien, one qualified veterinary surgeon, one architect, and one engineer.

If there be no candidates in the last three professions, the choice will be given by preference to mechanicians and directors of workshops and manufactories. The members of the Commission of Public Hygiene for the department of the Seine



named for six years, and a third of them will retire yearly, or the members can be re-elected.

There will be established for the three communes of St. Cloud, Sèvres, and Meudon, annexed to the department of the Prefecture of Police, by the resolution of the 3rd brumaire, or IX., a central commission of Hygiene and Salubrity, which will be presided over by the senior Mayor of the Commune, and its sitting will take place at the residence of the president. The preceding instructions will be applicable to this commission.

Art. 4. The commission referred to in the last paragraph of the preceding article, and each of the commissioners of Hygiene of the arrondissements, are to elect a vice-president and a secretary, who will be renewed every second year.

The Préfet of Police may, when he considers it necessary, designate one of the members of the Council of Public Hygiene of the department with each of the beforesaid commissioners, to take part in its deliberations with a consultative voice.

Art. 5. The Commissions of Public Hygiene and Salubrity are to meet at least once a month at the Préfet, or at the chief place of the sub-prefecture, or for that which concerns the general commission of the communes of St. Cloud, Sèvres and Meudon, at the residence of its president, and they will be invoked extraordinarily whenever there is occasion for.

Art. 6. The Commissioners of Hygiene are to receive all information which relates to the public health within the area of their jurisdiction.

It is to direct the attention of the Préfet of Police to the causes of insalubrity which exist in their respective arrondissements, and they are to give their advice as to the means of remedying them.

They may be consulted at the instance of the Council of Public Hygiene and Salubrity of the department, in the matters referred to in the 9th Article of the Government resolution of the 18th December, 1848.

They are to assist in the execution of the law of the 13th April, 1850, relative to the cleaning of insalubrious dwellings, either by promoting, when necessary in the rural arrondissements, the nomination of special commissions, which can be created by the municipal council in virtue of the 1st Article of the law, or by signifying to commissions already instituted the dwellings which are known to be insalubrious.

In case of epidemic diseases, they will be called to take part in

the execution of extraordinary measures ordered for the checking of the diseases, or for the providing of prompt assistance to the persons attacked.

Art. 7. The Commissions of Public Hygiene and Salubrity are to collect the documents relative to mortality and its causes, the topography and the statutes of the arrondissements in so far as they concern the public health.

These documents are to be transmitted to the Préfet of Police and communicated to the Council of Public Hygiene, which is charged to co-ordinate to make complete when necessary, and to summarise them in their reports, according to the form and mode of publication hereafter to be determined on.

Art. 8. The Council of Hygiene and Salubrity of the department of the Seine will make a general report every year on its own labours, and on those of the commissions of the arrondissements, and will transmit it by the Préfet of Police to the Minister of Agriculture and of Commerce.

Art. 9. The Minister of Agriculture and of Commerce is charged with the execution of the present decree.

Articles 9, 10 and 12 of the resolution of the 18th December, 1848, concerning the organization and functions of the Councils of Public Hygiene and Salubrity, referred to in the preceding decree, are as follows.

The Councils of Hygiene of the arrondissements are charged to examine questions relative to the public health of the arrondissements referred to them by the préfet or sub-préfet. They may be especially consulted on the following subjects:

1. The cleansing of localities and habitations.
2. The measures to be taken to combat and prevent epidemic, endemic, and contagious maladies.
3. The epizootic and diseases of animals.
4. The propagation of vaccination.
5. The organization and distribution of medical aid to the indigent sick.
6. The means to ameliorate the sanitary condition of the industrial and agricultural populations.
7. The salubrity of workshops, schools, hospitals, almshouses, barracks, arsenals, prisons, dépôts of mendicants, asylums, &c.
8. The questions relative to foundlings.
9. The quality of food, drinks, condiments, and medicaments found in commerce.
10. The improvement of establishments of mineral waters belonging to the State, to departments, to communes, and to

individuals, and the means of rendering the use of them accessible to poor sick persons.

11. The order relating to the authorization, removal, or inter-diction of dangerous, insalubrious, or incommodious establishments.

12. The great works of public utility, as the construction of edifices, schools, prisons, barracks, harbours, canals, reservoirs, fountains, markets, sewers, cemeteries, the public way, &c. in their relation to public hygiene.

Art. 10. The Councils of Public Hygiene of the arrondissements will collate and co-ordinate the documents relative to mortality and its causes, to the topography and the statistics of the arrondissements in so far as they relate to the public health.

They are to address regularly their documents to the Préfet, who will transmit a copy to the Minister of Commerce.

Art. 12. The Council of Public Hygiene and Salubrity of the department will have for its mission to give advice—

1. On all questions of public hygiene, which will be submitted to them by the Préfet.

2. On the questions common to many arrondissements, or relative to the department itself.

It will be charged to condense and co-ordinate, at the instance of the Préfet, the labours of the councils of the arrondissements. It will make a general report to the Préfet every year of the labours of the councils of the arrondissements.

That report will be immediately transmitted by the Préfet, together with the documents on which it is founded, to the Minister of Commerce.



## ON THE STUDY OF CHILDREN.

*The Acquisition of Language: The Relation of Natural Sounds to the Musical Scale.*

BY WILLIAM RUSHTON, M.A., PROFESSOR OF HISTORY AND ENGLISH LITERATURE, QUEEN'S COLLEGE, CORK.

WE saw, in a former number of this Journal, that one of the most surprising developments in the life of a young child is the acquisition of the mother tongue, and that most instructive lessons may be derived by watching the progress of children from their earliest efforts to the time when they can speak with facility.

But it is well to study man as a part of nature; not as a being isolated from the creation in general, but as a manifestation however noble, of organised life. The mere naturalist is too often disposed to consider nature, without reference to man while the mere moralist is apt to regard man as distinct from nature. Hence, the views on both sides are frequently partial whereas we should endeavour to combine both aspects of the case. Indeed, the very term *human nature* implies that man is a portion of nature.

Although the gift of speech in its perfection is the distinctive glory of man, yet the earliest sounds uttered by the infant must be viewed in a wider relation, namely, the relation of natural sounds and cries to the musical scale. For in comparing natural sounds, it is necessary to have some standard of comparison, and the musical scale seems more suitable than any other.

It is curious to remark that this subject has not escaped the attention of Shakespeare, who appears to have had an ear as well as an eye for all natural manifestations. In his "Midsummer Night's Dream," iv. 1, Hippolyta says:

I was with Hercules and Cadmus once,  
When in a wood of Crete they bay'd the bear  
With hounds of Sparta; never did I hear  
Such *gallant chiding*; for, besides the groves,  
The skies, the fountains, every region near  
Seem'd all *one mutual cry*; I never heard  
So *musical a discord*, such sweet thunder.

Theseus replies :

My hounds are bred out of the Spartan kind,  
 So flew'd, so sanded, and their heads are hung  
 With ears that sweep away the morning dew ;  
 Crook-knee'd and dewlapp'd like Thessalian bulls ;  
 Slow in pursuit, but *matched in mouth like bells,*  
*Each under each.* A cry more tuneable  
 Was never holla'd to, nor cheered with horn,  
 In Crete, in Sparta, nor in Thessaly :  
 Judge when you hear.

There is reason to suppose that the effect here described is the result of education. For if we may credit Gardiner ("Music of Nature," Longmans, 1832), dogs in a state of nature never bark, they simply whine, howl, and growl. Sonnini speaks of the shepherds' dogs in the wilds of Egypt as not having this faculty ; and Columbus found the dogs which he had previously carried to America to have lost this power (p. 199).

The notes of birds furnish material for an extensive and intricate study. Mr. Gardiner has given, in musical notation, the songs of the nightingale, the canary, and some others ; but on this part of the subject much remains to be done. As he says (p. 228), persons who have not attended to the notes of birds, suppose that every one of the same species sing the same song ; but although there is a general resemblance, many varieties may be noticed. Thus, the London bird-catchers prefer the song of the Kentish goldfinches, the Essex chaffinches, and the Surrey nightingales, to those of Middlesex.

The crowing of the cock is a familiar sound, and the well-known phrase descriptive of the utterance, pretty nearly represents the rhythm of the strain. But more technically, it is said to consist of five notes, generally in the key of B major, a key of five sharps :

*Fá sǐ, sǐ lǎ sǐ.*

It is stated that when Bonaparte returned from Elba, the crowing of the cocks was taken by his admirers as a certain omen of his regaining the throne ; and such was the enthusiasm of his followers, that they fancied they heard every cock distinctly shout,

*Ví-vě l' Ém-pě-reúr.*

Whether this anecdote be true or not, the phrase correctly represents the rhythm.

The note of the "cuckoo" has given a name to the bird in

many languages : Lat. *cūcūlus*, Fr. *coucou*, Ger. *kuckuk*; and almost equally well known is the "pee-wit" of the plover, wroused from her sedgy bank, tumbles in the air with awkward flight, and by her piteous cry wheedles the fowler from the ha of her young.

The loquacious magpie and the chattering jay make a nearer approach to vocal sounds; and the anecdotes recorded of parrots almost exceed belief. "A most remarkable instance says Mr. Gardiner, p. 234, "I met with at Mr. Braham's villa Brompton. A lady, who had great admiration for his talents presented him with a parrot, on which she had bestowed great pains in teaching it to talk. After dinner, during a pause in the conversation, I was startled by a voice from one corner of the room calling out in a strong, hearty manner, 'Come, Braham give us a song!' Nothing could exceed the surprise and admiration of the company. The request being repeated, and answered, the parrot struck up the first verse of '*God save King*,' in a clear, warbling tone, aiming at the style of the singer, and sang it through."

The sounds produced by insects do not proceed, as a general rule, from vocal organs, but by rubbing their legs together, or by the motion of their wings. If we watch the house-fly, we shall soon be convinced that he is destitute of voice, and that the noise proceeds from his wings; since, when at rest, he is always silent. The sound made by the house-fly is invariably, as Mr. Gardiner, upon the note F in the first space of the treble clef; and the hum of the honey-bee is the same. That of the large humble-bee is just an octave lower; while the drone of the cockchafer, as he wheels along "in drowsy hum," is an octave lower still, on F below the line of the bass clef.

The sound produced by the *fanners* in a hive, whose business it is to keep up a tremulous motion with their wings, and to ventilate the hive, is found to be in the key of F major. And Mr. Gardiner, who seems to be somewhat of a wag, makes the following comparison: "The writer was once placed in the gallery of the Royal Exchange, to view that hive of money-collectors in the court below. Besides the similarity of the scene, he could not but notice the similarity of sound, the buzz of the two thousand voices being perceptibly amalgamated to the key of F" (p. 250).

A minute examination of the tones uttered by the wind by various animals, in the songs of birds, and in the sounds produced by insects, might occupy a lifetime; but there is some broad distinction, which a musical ear can readily make, namely, that of the major and minor modes. In a general way, he



major is cheerful and the minor is plaintive; though there are exceptions on both sides. The flat keys of the major are often employed to express tenderness; while the comic minor sometimes represents humorous distress or rueful sorrow. I have observed, in particular, that the key of B minor (two sharps) is sometimes employed in the latter instance; and a musician told me that this key is often selected in musical pantomimes for the part of harlequin, who generally falls into some woeful disaster.

We may remark that the wind blusters in the major, but howls in the minor; and perhaps there is no sound in nature more dismal than the howl of the wind through fir-trees, on a dark November evening; it is like the dirge of the departing year. Similarly, a dog whines in the minor; but a cock crows lustily in the major. In like manner, to come nearer to our subject, a child coos in the major, but squalls in the minor.

I know not whether the early cries of children proclaim their entrance into a vale of tears; but certainly the earliest notes are in the minor scale, ascending from the tonic to the minor third, or descending from the minor third to the tonic. The utterance is generally *â*, like the Italian sound of the vowel; but often, at a very early age, exhibiting the sound *lâ*. Sometimes I have observed a sound between *â* and *lâ*, occasionally approaching *yâ*, and at other times nearer to *râ*.

When a child is in pain, or in any way disturbed, the voice wells painfully upon the minor third; and this iteration of the minor third is peculiarly distressing to the ear. It "serves in the office" of a bell, to call attention to the wants of the child, and brooks no delay. Not only is the voice of man endowed with purity of tone, in a higher degree than that of any of the vocal animals, but it is estimated that children possess a power of voice, in proportion to their size, ten times greater than that of an adult. In a state of nature, this serves them as a defence, it be true that infants have, by their screams, alarmed and kept off the attacks of furious animals.

These points are not difficult to understand; but why the minor third should be so painful, while the major third, only a semitone higher, produces such a different effect, is not so easy to explain. When we go a little below the surface, and ask for the "why" of the "why," we soon come to a standstill. Medical men know that one drug causes sleep, and that another promotes inspiration; and they term the one an "opiate," the other a "diaphoretic;" but when they are asked to explain the causes, or the manner of operation, they look as wise as the physician in *Bolière*, who said, "*L'opium endormit, parcequ'il à une vertu soporifique.*"

It is exceedingly difficult to draw the line between cries which are merely animal, and sounds which may be termed articulate. We have seen that many animals possess, in a greater or less degree, the power of making known their sensations by means of inarticulate sounds or cries. The *cry* may be considered as the universal language of the animal creation. It seems to be purely instinctive; it differs in every species, and belongs to the specific organization.

According to the view taken by Dr. James Hunt ("Philosophy of Voice and Speech," Longmans, 1859), we are to understand by articulation, the modification which the vocal sounds undergo by means of the organs placed *above* the larynx, including the lips, the teeth, the nose, &c.

That the larynx is the instrument for the *production* of vocal sounds, appears evident from the fact, that if a sufficiently large aperture be made in the trachea of an animal *beneath* the larynx, the voice is lost; but if it be made *above* the larynx, the voice continues. Many cases are recorded of persons who, from fistulous openings in the trachea, were unable to speak, unless the apertures were stopped by mechanical appliances.

Hence it would seem, that the voice is produced in the larynx, the trachea acting chiefly as a *porte-vent*, to convey air to the glottis; that the inferior vocal chords constitute the essential organ of the voice; and that the superadded tube, comprising all the parts and passages above the glottis, merely modifies the sounds which are produced in the glottis.

But, after all, so difficult it is to define what articulation really means; so flexible is the voice of the child, and so gradual is the transition from one quality of tone to another, that it would puzzle a jury of philologists to lay down the law in this matter. Yet, perhaps, some light could be thrown upon the subject, if another difficult question were solved. There is a time, at which the child first becomes conscious of uttering sounds, and appears to take pleasure in the exercise of its new powers. This is quite distinct from the notion of attaching any signification whatever to the sounds; it is merely the consciousness of uttering a tone and exerting a pleasing effort. Now it would be very interesting, and it might be useful, to inquire, whether articulation and conscious utterance are at all coincident in point of time; and whether the one bears any relation to the other.

Either Goethe or Jean Paul says somewhere, that no animal is comparable to the smile of a young child. It is not easy to render this term into English: the word "grace," given in some dictionaries, is hardly near enough. It is literally "on-mood," and denotes that "geniality of soul," which takes pleasure in



every thing and every body. The same root appears in *gemüthlich*, which signifies "full of good feeling." Now it is true, that these characteristics are seen in children of a certain age; but it is equally true, that very young infants rarely smile. Some never smile for weeks; others not for months; but I have sometimes thought that the first smile looks like the ray of dawning intelligence. And it will be found, I believe, that the sound which first betokens satisfaction is *oo*, from which we seem to have derived the word *coo*, a term also used to represent the notes uttered by doves.

There is a period of transition, during which, observers may differ in opinion, whether a child actually knows when it utters his, or any other sound; but again, a period arrives when the child is evidently "trying to talk;" when, as a nurse remarked, it looks in your face, and is pleased."

In a future paper, we shall consider the transition period, and the commencement of conscious utterance.

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## FEW THOUGHTS CONCERNING INFANTICIDE.

BY MRS. M. A. BAINES.

ONE cause of the increase of infanticide is the indifference with which it has been regarded by the police and the public. I do not include in this censure the press, for I differ from the opinion on that point recently expressed by a worthy coroner. It is only right to say that a laudable zeal has, with rare exceptions, been manifested by the press in reporting cases, and in commenting severely upon the frequency and enormity of the crime.

It has been said of the police, with too much truth, that they think no more of finding the dead body of a child in the street than of picking up a dead cat or dog. The frequency of the occurrence familiarises the public mind to the offence, instead of rendering it still more revolting. That such a state of things can be regarded with indifference in our day, is a proof of the low estimate which is placed upon the value and sacredness of human life; and this is one explanation of the prevalence of the crime which is under consideration. I would suggest, as a means of stirring up some inquiry in the matter, that a reward should be offered for the detection of the perpetrators in every case. Were now an open verdict of "Found Dead" seems—inconsistently enough—to close all further proceedings in the matter.



It is true that within the last few months public attention has been aroused from its wonted unconcern, and a more healthy feeling is astir. Some very glaring instances having been made prominent, we are beginning to open our eyes and to ask ourselves whether it is not time to attack the evil, which is becoming a national disgrace; and, by rallying together the philanthropic forces of the country into something like national co-operation make a determined effort to deal with that which we must no longer refuse to regard as the crying sin of our age. The feeling that is prevalent just now on the subject is encouraging, and should be turned to some practical account.

PUBLIC OPINION is necessary in order to carry out any great measure of social reform, but "public opinion," to effect any good in this, as in any other matter upon which it may legitimately be brought to bear, must be reasonable and consistent; it must not regard "child-murder" to-day as a great crime, and to-morrow (under circumstances of similar atrocity) as no crime at all. Such conflicting popular verdicts are very injurious to public morals.

There should be more uniformity in the sentences, and more certainty in carrying them out in all cases in which "wilful murder" can be proved; *and it ought to be proved when possible*. Medical men have great responsibility in this matter; their duty in cases of the kind, is not to assist the escape of a criminal, but to further the ends of justice by a conscientious interpretation of the facts submitted to them. The counsel for the accused most puts questions to a medical witness suggestive of reasons for acquittal, and we all know how often the answers thus elicited are at variance with the medical facts of the case. It would be well if medical men, when called upon for an opinion, would instead of availing themselves of a legal quibble, state the case *as they find it*, and where stabs or other injuries have been inflicted which could not have occurred accidentally, the common sense conclusion is that murder has been committed; for if a child be born dead, as it is the object to prove, what reason would there be to cut and maim in order to take away life? These considerations which must ere long have more weight than they have had in coroners' courts of inquiry, and in other courts to which such cases are sometimes transferred.

I would, in passing, say a few words in favour of the election of coroners from the medical profession. We have one or two exemplary instances of the wisdom of such a choice, and the interests of the community would be better promoted were the plan adopted more generally. It is especially important in cases of "infanticide," that those who preside over such inquiries should

possess the discriminating knowledge which a medical education imparts. There is always some degree of obscurity as to the precise cause of death in cases of child-murder—at least, it is mostly attempted to mystify the matter by conflicting statements, and it is very important that those who sit in judgment upon such inquests should be medically qualified to elucidate the truth.

An example here and there of a conviction and a just punishment following upon the perpetration of the crime in cases where there has been *an undoubted design to kill*, would tend more than anything else to check the frequency of infanticide. It increases on account of the facilities that exist for its concealment, and because, when discovered, if punishment follow at all, it is of the lightest description that it is possible to inflict.

As to the remission of “sentence of death,” and the substitution of some secondary penalty for child-murder, I can only say that it is to be hoped, as long as “capital punishment” remains in the statute-book at all, the law may not be made exceptional in favour of the Infanticide. Such a change would be as inconsistent as dangerous; the effect would be to lower the value of infant life still further in the estimation of the public—that opinion of the public most concerned in the matter—and it cannot be too strongly insisted upon that the taking away of life, whether of an infant or an adult, is MURDER in the sight of God; and perhaps the more heinous crime of the two is the lying violent hands upon a little child—an act all the more cowardly and cruel, on account of the helpless and inoffensive condition of the victim.

There is some reason to fear lest public feeling in this matter may, in the usual impulsive way, rush from one extreme into another. Hitherto the misguided, erring woman has been compelled to bear the whole of the burthen and obloquy, while the partner of her sin has enjoyed all but complete immunity, not only from its legal penalty, but from his own share of the censure which society has so unmercifully pronounced upon her; and because this is felt to be such a manifest wrong, the law has been hoodwinked, and justice defeated; no one therefore is held responsible, no one is punishable; and the present state of things is the consequence. Now, however, “society,” seeing the effects of its own inconsistencies, takes alarm, and is in danger of running into the other extreme; to satisfy its conscience, it seems ready to bestow an undue amount of sympathy upon her whom it has doubly wronged; the scale is now to be turned, and all the weight is to be brought to bear upon the other side. *The result will not be satisfactory; any law that*



presses unduly upon either party will be evaded, and must ultimately become inoperative. Why cannot a middle course be found? Why not *both* bear their own proper share of the penalty, legal and social?

One or two suggestions of a preventive or precautionary kind may be mentioned here; abuses have crept into some recognised systems which require to be investigated—BURIAL CLUBS, for instance; it is a common occurrence for one infant to be entered “on the books” of several clubs; thus the parents have a direct interest in the death of the child. Then the registration of STILL BIRTHS would be another important step; medical certificates should be required in all cases of the kind, and more stringent regulations should be incorporated into the Burial Act, with reference to the interment of “still-born” children.

Women who act as MIDWIVES to the poor, should be compelled to take out a license—even at a small fee—in order that they might be placed under authoritative supervision.

All persons, whether as “wet nurses” or “dry nurses,” who obtain a living by taking infants to nurse, should be registered and a sanitary inspector should occasionally visit such nurseries.

Many of the cases which come before a coroner, of infant deaths from “SUFFOCATION,” are, to say the least, extremely suspicious; in these, as well as in “DEATHS BY BURNING,” where culpable negligence is obviously the cause of the fatal result, verdict of “manslaughter” against the persons concerned would place a decided check upon such so-called “accidents” in future.

The principal suggestion which I have to make, however, is of a palliative kind: it refers to a point which, strangely enough seems to have been entirely overlooked by those who have undertaken to discuss this subject. FOUNDLING HOSPITALS have naturally been brought into the controversy. The system of course has few advocates; the objections to such receptacles are twofold: 1st. The high rate of infant-mortality which prevails in institutions of the kind, where large numbers of children are congregated together under one roof; 2nd. The facilities offered to mothers for getting rid of their offspring, and the more than probable encouragement thus given, though indirectly, to immorality.

Now, although such evil results of the Foundling system are acknowledged, it does not appear to have occurred to any one to account for them. It seems to me that the SEPARATION OF MOTHER AND CHILD is the cause of the ill success which generally attends undertakings of the kind; and this is the reason BECAUSE THE MATERNAL ELEMENT IS THUS ENTIRELY IGNORED.



In consequence of such a separation, the child, on the one hand, loses its natural nourishment, which would afford it the best chance of maintaining existence; and, on the other hand, the woman is deprived of those softening influences upon her nature, that the care and nurture of her own child would impart to her, and which might be relied on in the great majority of cases, as a means of holding her in a virtuous course of life for the future; a result which can scarcely be looked for in those women, who, by force or choice, are relieved entirely from the duties and responsibilities of their maternity.

An institution of the kind which I am describing might combine the advantages of REFUGE, LYING-IN HOSPITAL, and NURSERY; the various departments of household work, such as cooking, cleaning, laundry, and needle-work, with nursing, could usefully employ the inmates, and would, moreover, form part of the necessary discipline.

In the majority of these unhappy cases, it is the desire to free herself from an encumbrance, which is in the way of her future employment, that prompts the wretched mother to take the life of her child; if therefore we can help her to bear the burthen, while placing her in the way of gaining an honest livelihood, we shall do her a greater kindness than can be done by any other means, and we likewise promote a social good; for this plan is certainly not open to the charge of offering a premium to vice, or of encouraging immorality. By combining the well-being of the infant with the reform and training of the mother, we may reach the most desired objects in the shortest and most efficient way.

It is a mistake to suppose that SHAME prompts the woman to commit the crime; in the majority of cases, there is no feeling of the kind in the matter. We have but to look at the advertisements in the columns of "want places" in the *Times*, in proof of this statement; we shall find that women offer themselves for the occupation of "wet nurse," and state that they are "single," apparently as an additional recommendation. If it indeed be so — if unmarried mothers are preferred for the office — then mothers of another rank are not altogether blameless in the matter. This is one of the many questions which "society" has no answer, in relation to this painfully interesting subject.

It has been said that ladies should keep aloof from this topic; but it seems to me that, as wives, mothers, and mistresses of families, they are most deeply concerned, and that they may, in their quiet womanly way, do more good in their *home* and in their *circle*, than can be done by all the talk at all the meetings that can be held.

Women in the higher walks of life have a duty to perform in

this matter, which they have not yet fully recognised; the mothers of England must unite as with one voice to cry down the evil—the sin of the day; they must set themselves to the task with a will; they must look at the whole subject bravely, though sadly,—as a TRUE-HEARTED WOMAN can and may contemplate it,—with sentiments which none need condemn; with mingled feelings of condescending pity and high-minded discontent, which may find expression in a tear of sorrow for her erring sister, and a sigh of sympathy for herself. These are considerations not to be lightly regarded by either sex; but I pass on to a more practical view of the subject.

What has to be thought of in the present state of the case is this, how we can prevent the fall of the innocent into the snares of the wily? and when, unhappily, the false step is taken, how we can raise up the fallen, and place them in a better way for the future?

But private benevolence, however consentaneous in its object, or widely extended in action, would yet be inadequate to carry on a work of such magnitude as that which I propose. Viewing it in the light of a national undertaking, it should have the countenance and support of the State; legislation may be usefully brought to bear upon some of the points which I have indicated.

I can only suggest in a general way; the plan which I have barely sketched is obviously capable of being extended most beneficially in various directions. It has been suggested, for instance, by those who are favourable to the idea of such institutions, that "*their action upon society would be quickened by giving them the right of the Reformatory to repayment for expenses, and the power of detention during the period which may be found necessary to carry on the work of reformation.*"

But these remarks have already extended considerably beyond the original design of this paper, and I must now leave the details for discussion in the hands of those who are competent to deal with this important subject.

## REVIEWS.

THE MUNICIPAL CORPORATIONS OF ENGLAND  
AND WALES.\*

THIS work is intended to supply a want which has long been felt in this country, namely, an account of the various Municipalities in England and Wales. The plan of the work is to take the various counties of England and Wales alphabetically, and then, under each county, to introduce a description of the various boroughs, with details of their offices, privileges, and modes of local government. At the present day, there is no more interesting study, to those who are anxious to improve the municipal institutions of the country, than the actual details of the various powers possessed by our local authorities, and the way in which they are carried into effect. Not only are the offices and special privileges of each borough in England described, but there is attached to each article a local history, with an account of its trade, manufactures, charters, and local government, a description of its principal buildings, and an account of all that has been done for its sanitary warfare. This vast mass of information has been put into the smallest space, and the work is really a complete guide to all that is known about each municipality in the country. Of course, the notice of London is by far the most extensive in the work, and we know of no other volume in which so large an amount of information with regard to London can be obtained. As an example of the way in which generally the subject of the history of the corporations of England are treated, we give the following :

The name of 'Guild' was changed by Edward III. for that of 'Livery Company' (in consequence of the distinctive dress worn by the different merchants), and the charters were granted to the master, wardens, and assistants of the court of the company. This monarch enrolled himself among the linen armourers (merchant tailors), and his example was afterwards followed by Richard II. Edward III. conferred on the the power formerly vested in the city wards of nominating all the city dignities, and even members of Parliament, but at the same time a heavy blow was aimed at the grocers by an act restricting each individual to one branch only of the trade he followed. At this time each of the companies returned an average of three common councilmen for the city. It was soon found, however, that the larger companies obtained undue weight in the city elections, and when Sir Nicholas Brember was returned lord mayor, 1383-85, the aldermen were ordered to cause four men to be elected for common councilmen out of the several wards, and no company was allowed to have more than six aldermen in its ranks, thus reducing the power of the companies in a political sense. From this time they gave their attention to the interests of their several trades and the markets: thus the grocers overlooked all the drugs;

\*The Municipal Corporations Directory, 1866. London: Longmans, Green, and Co.



the goldsmiths the metals; the vintners the wines; the merchant tailors the cloths &c.; and when any attempt at defrauding the public was detected, the offender was severely mulcted. The office of clerk was first instituted in the fifteenth century. . . . These guilds were of the greatest service to trade in ancient times. They settled disputes between master and workman; they upheld the apprenticeship system, as being the best for producing skilled labour; and meeting at their respective halls, while they enjoyed the festive board, they discussed business matters; thus fostering the social virtues and increasing the mutual interest of master and workman. Many of the companies took cognisance of the changes in the various trades, so as to poise the rights and interests of capital and labour, thus awarding to the master his profit, and to the workman a fair rate of wages. But the usefulness of these bodies for trading purposes has rapidly declined. Several of the companies have become extinct, and many others appear to be on the verge of dissolution, while those which still exist (with very few exceptions) are only the dispensers of the bounty provided by their charitable predecessors. In 1837 there were eighty-nine companies existing since that time they have been reduced to seventy-five, fourteen having ceased to return the number of their livery, some having as few as two members, and others scarcely enough to form a court. In this number we have the hatband makers, pinmakers, gardeners, soapmakers, woodmongers, starchmakers, longbow-string makers, comb makers, silkmen, tobacco-pipe makers, paviours, parish clerks, fishermen, and silk throwsters."

As examples of the interesting matter given in the notices of county corporations, the following may be taken as examples. In the article on Winchester is the following notice :

"Ethelred, in 1002, formed the horrible plot of murdering all the Danes in the kingdom, and in this city the massacre commenced, such as were not actually put to death being mutilated and rendered incapable of any military service. In commemoration of this barbarous stratagem, the 'Hocktide Sports,' so called from cutting the hamstrings of the victims, were instituted by that king, and were continued, with a short interruption, until of late years. St. Giles's fair was at one period the largest in England, and extended to sixteen days, during which time no business was allowed to be transacted elsewhere within seven leagues of the hill. It was held on St. Giles's-hill, and formed a kind of temporary city, entirely mercantile, whole street being appropriated to particular commodities."

In the account of Tewkesbury, we find the following :

"Tewkesbury was celebrated for the manufacture of mustard of so pungent nature as to give rise to a proverb, describing a person whose countenance was morose as having surely lived on Tewkesbury mustard."

But the work is not merely a directory to the principal corporations of England; it contains besides a series of original articles, each of which has sufficient merit to demand a separate notice. Of these articles the first is "On Municipal Laws, with Analysis of Acts and Digest of Cases," by Mr. W. A. Holdsworth; the second is, "On Public Health," by Mr. Rendle; and the third is, "On Chambers of Commerce," by Dr. Pankhurst.

Mr. Holdsworth's essay forms a very appropriate introduction to the whole work, and consists of an introductory chapter, "On the Nature and History of Municipal Corporations, with an Analysis of the Municipal Corporations Act, passed in 1835." In a subsequent chapter the miscellaneous Acts affecting the local government of boroughs are described, and the local proceedings to be taken under such Acts are pointed out. The Clause Acts most important to the welfare of towns are afterwards described in detail. All persons living in towns, at

xious to improve them by law, will do well to consult this admirable summary of the laws relating to the towns of England.

Mr. Rendle's article on "Public Health" is an energetic—in some parts almost passionate—appeal for further sanitary improvements in our great towns. Mr. Rendle speaks more as the practical sanitarian than as the scholar or the man of science. Speaking of his experience in Southwark, he says :

'I could scarcely go to and fro for seventeen years in the region of the Mint, in Southwark, to which I was then surgeon, without reflecting somewhat upon the cases of the sin and disease I beheld. I came to the conclusion that, bad as my patients were, they were as much sinned against as sinning, and that young children who had the ill-luck to be born or brought up there had a very up-hill work—a almost impossible work, to find their way up to honesty, respectability, and good bodily and mental health. I was of course more concerned with their bodily condition. Nevertheless, I observed that much of the ill-health of the mind, which wandered into passion, and violence, and sin generally, had in this sad region but little effectual medical or other treatment, no prevention, and but little cure; and that the ill-health of the body, in the shape of child decay, consumption, fever, and the like, had as little chance of an effectual amendment. Naturally I reflected upon these things, and I thought that did we but know, and had we but the necessary courage, selflessness, and perseverance, we might amend much of all this: not suddenly, we cannot so change the habits of a life, or alter a locality, but slowly and with patience we might imitate the great Master who especially visited and cared for such outcasts; and, if we could not better the state of the old offenders, we might at least interrupt the supply of young recruits for this evil service.'

Speaking of the residences of the poor, Mr. Rendle says :

'As the present miserable homes supplied to the lowest workers in large towns are really extensively underlet, the profits are, in the aggregate, considerable; but they are of course to be divided. Here is the opposite condition, the minimum of health and convenience at the maximum of rent. These habitations are usually so kept as to be a cost and a scandal to the community. No man has, I think, a right so to burden society for his own illicit profit; and accordingly he will not be wronged, by being compelled to sell at a fair valuation to others who can and will give a fair home for a fair rent. I believe that there is no remedy in large towns, in the case of these solid dwellings, other than to compel the owners to rebuild healthy homes upon authorised plans; or to submit to this compulsory sale. Railways invading London and large towns, should be compelled to furnish cheap and convenient transit for work-people, who, not being compelled to live near their work, might indulge in the healthy luxury of a suburban dwelling and garden. That this scheme may not fail, the present not very creditable building Acts will have to be amended, the class of solid buildings erected on the outer bounds of the metropolis for the working classes being for the most part built in ignorance or in defiance of the plainest rules for health. As to the healthiness of the model dwellings, there can be no doubt; every one appears to be agreed upon this point. The last evidence I have, and which may serve as a fair specimen, is from Dr. Hillier, as to the model lodging-houses in Piccadilly-square; here the annual mortality per 1000 is 18, including deaths from a cholera epidemic. This calculation is on an average of nine years, and may therefore be relied on. It may be that the great improvements which are beginning to be thought necessary in London and other large towns are not likely to return an immediate money profit. Even if so, money is not the only, not always the most profitable result of our work on earth. We cannot dare always to measure our benefits by the money test only. The great and magnificent alterations in Paris have not passed in this sense. Not the less, says a competent observer, 'Paris is an enormous gainer by all that has been done, and the improvement that has already taken place in the death-rate of the city must be mainly ascribed to the well-directed efforts of the Emperor and the Prefect.' We in England require everywhere a competent sanitary

authority, and interwoven into our free institutions a little of that power and will carrying out any great good, which at present appears to be obtainable only under wise despotism."

Mr. Rendle's article should be printed separately and sold at a low price as a sanitary tract. It could not fail to awaken in the mind of all who read it, a sense of the sanitary evils under which the great mass of our population labours, and the importance of more active sanitary measures than have ever yet been contemplated in this country.

Dr. Pankhurst's article on Chambers of Commerce embraces, not only an interesting history of these institutions, but of the various topics of public interest which they have taken up, such as Bankruptcy Law, Patent Law, Partnership, International Maritime Law, and the Law of Partnership. Speaking of the Social Science Association, he says:

"The National Association for the Promotion of Social Science has greatly assisted the deliberations and proceedings of Chambers of Commerce. By its action it has introduced into the discussion of commercial and industrial questions a rich variety of experience and interests, than which nothing can be more necessary or valuable in view of soundness and result. On the several occasions of the meetings of the Social Science Association, which are held annually in one or other of the great towns of the empire, there have been called together, besides the members of the Association, including a large number connected with the conduct of public affairs, and with the administration of the law, not only delegates from the Chambers of Commerce, and other similar bodies of the kingdom, constituting a really national representation of commercial interests, but also representatives from important commercial associations of Europe and America.

"The co-operation of these varied elements in a common work is attended with the best effect. In particular, it establishes an intimate and cordial relation between the action of commerce and the agencies of the law. Now this relation is a real necessity for side by side with the development of industry and trading enterprise, jurisprudence must operate to secure to commerce its legitimate fruits by guarding against, by pressing, and by punishing the devices and contrivances of bad faith and fraudulent artifice.

"By such machinery the best care is taken that the theories propounded may be tested and corrected by wide and varied experience, and the highest assurance furnished that the theories themselves will be reduced to practice in association with the greatest number of interests."

We have endeavoured to give an outline of the contents of this valuable work, and we feel assured that its objects and execution need only to be known to give for it a place in the library of every merchant and statesman, and collection of works of reference.

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## MONTHLY CHRONICLE.

**Zymotic Diseases in London, in June.**—The following zymotic diseases were registered in London during the month of June:—

	June.	May.
Small-pox . . . . .	183	101
Measles . . . . .	348	239
Scarlet-fever . . . . .	195	80
Diphtheria . . . . .	31	14
Whooping-cough . . . . .	362	438
Typhus . . . . .	232	206
Diarrhœa . . . . .	171	61
	<hr/> 1522	<hr/> 1139

This is an alarming bill of mortality. Every form of disease has increased, with the exception of whooping-cough. The whole mortality nearly 500 above that of the previous month. The greatest increase under the head of diarrhœa. The diarrhœa of June has become cholera in July, and there can be no doubt that a great outbreak of cholera has occurred in London. Its extent and fatality will depend much upon the exertions that are immediately taken. No time should be lost and no means of precaution left unadopted that can be likely to prevent the extension of the disease.

**Mortality of Towns in Great Britain in June.**—The following returns are made up from the weekly returns of births and deaths in London and twelve other large towns in England, published by the Registrar-General. For the sake of comparing the improvement or otherwise of the health of the various towns, the returns of April and May are placed by the side of those for June:—

	June.	May.	April.
1. Liverpool . . . . .	37	38	39
2. Glasgow . . . . .	30	32	36
3. Leeds . . . . .	30	39	33
4. Manchester . . . . .	28	27	36
5. Sheffield . . . . .	27	35	30
6. Newcastle . . . . .	26	28	29
7. Edinburgh . . . . .	25	28	27
8. London . . . . .	24	26	26
9. Dublin . . . . .	24	26	28
10. Salford . . . . .	24	31	37
11. Bristol . . . . .	22	25	29
12. Hull . . . . .	20	27	26
13. Birmingham . . . . .	20	26	28

The returns for the first and second quarters of the year are given below :—

	1st Quarter.	2nd Quarter.
1. Liverpool . . . . .	45	38
2. Manchester . . . . .	39	30
3. Leeds . . . . .	36	34
4. Salford . . . . .	34	30
5. Sheffield . . . . .	34	30
6. Bristol . . . . .	32	25
7. Newcastle . . . . .	32	27
8. Glasgow . . . . .	31	33
9. Edinburgh . . . . .	30	26
10. Dublin . . . . .	30	25
11. Birmingham . . . . .	30	24
12. Hull . . . . .	28	24
13. London . . . . .	25	25

The towns are placed according to the rate of mortality in the first quarter, and from this it will be seen that Liverpool still retains the highest rate of mortality, although much improved in the second quarter. London, which in the first quarter was lowest, gives place to Birmingham and Hull in the second quarter. A curious fact here comes out, and that is, that whilst every town improved in its health in the second quarter, London remained stationary. In his return of June 23, the Registrar-General states that he has received from the Bureau of Records for New York the return of deaths in that city for the week ending June 2, which was 26 in the 1000. The average temperature was 62°. During the same week in London the rate of mortality was 26 in 1000, and the mean temperature 56°. We should be glad to see a weekly return of deaths from New York regularly in the "Weekly Return" of the Registrar-General.

**Medical Certificate of Death.**—It will be news to many Englishmen to know that there is no law in this country requiring a medical certificate of death before burial. All that is required by the law is that some person should answer for the individual being dead, in order that he or she may obtain the necessary warrant for interment. Now, the defect of the law leads to so much irregularity, and opens the door so widely for the commission of crime, that in 1862 Dr. Lankester brought the subject before the Metropolitan Association of Medical Officers of Health. This association appointed two of their body a deputation to wait on the Registrar-General. The following letter was on that occasion received from Major-General Graham :

"General Register Office, Somerset House, December 16, 1862:

"SIR,—I will thank you to inform the Association of Medical Officers of Health that I will not fail to give my best consideration to the alterations in the medical certificate of cause of death, which was suggested by you and Dr. Buchanan when I lately had the pleasure of seeing you here.

"At that time you stated that there were four other points connected with this department, in the opinion of the Metropolitan Association of Medical Officers of Health, susceptible of improvement:

"1st.—That the registration of births should, by statute, be made imperative and compulsory in England and Wales, as it now is in Scotland and Ireland.

"2nd.—That the births of children stillborn should be registered.

"3rd.—That no death should be registered except a written medical certificate of cause of death, from a legally qualified practitioner, be produced, or the record of the verdict of a jury signed by the coroner.

"4th.—That no *sudden* death should be registered until the decision of the coroner be made known to the registrar, whether he will hold an inquest or not.

"I cannot say that I entirely concur in the opinion that you expressed, that all these changes in the law should be made; but I will not fail to bring them under the consideration of her Majesty's Government, in order that a decision may be arrived at, whether it is desirable, for the sake of these proposed changes, that in the next session of Parliament another bill should be introduced amending the present law of civil registration of births and deaths in England and Wales.

"I have the honour to be, Sir, your faithful Servant,

"GEORGE GRAHAM, Registrar-General.

Dr. Lankester, M.D., 8, Saville-row."

Since that time the subject has been allowed to drop, and no alteration has been made in the law. We are glad, however, to find that this subject has been taken up by Dr. Farr, who, in an Appendix to the Registrar-General's Annual Report for 1864," refers to the defects of the present system of registration. In order to remedy these defects, Dr. Farr proposes to amend the medical certificate so that the medical attendant would certify that he had either seen the deceased on the day of death, or had seen the body subsequently for identification. In cases of death without medical attendance, or where the medical attendant refuses to certify, Dr. Farr proposes to appoint an officer in every district, whose duty it should be to visit the body and ascertain if the death were free from suspicion, and, if so, give the necessary order for burial; but, if there was suspicion, that this officer should withhold his certificate until an inquest had been held. But surely this officer is a perfectly unnecessary addition to our present staff of public medical officers. If the law requires that no body should be buried without a *regular* medical certificate, and that all irregular certificates be referred to the coroner of the district, there would be no necessity for a registration medical officer. In his letter Dr. Farr recommends the construction of decent dead houses in every town throughout the kingdom. These structures are very much wanted in the neighbourhood of London, where scenes of the most disgusting



kind are constantly enacted on account of the refusal of any one to take in bodies found dead. Dr. Farr also recommends that the registration medical officer should give certificates in the case of still-born children. Dr. Farr enumerates the following advantages of his plan.

"1. The *cause of death* would in all cases be certified by one professional witness, and would be recorded as correctly as is practicable in the present state of science.

"2. The fact that a given person died at a given place would be attested by the informant as at present, and the evidence would be enormously strengthened by an educated witness. While so large a portion of our informants cannot even write their names, this is of great importance.

"3. Secret murders and attempts on life, and deaths of children and old people from neglect, could rarely escape detection; they would, other things being equal, be less frequent than they have been in past times. Life would become more secure. The public solicitude, like Providence watching over all, would cherish the reverence of all classes for human life.

"4. The frauds of informants would be less common, and no registrar would again manufacture fictitious entries, thereby throwing discredit on the whole of the national registers.

"5. Much trouble would be saved to the public, who are now put to expense in getting corroborative certificates, as it is felt that the present certified copy of an entry is most imperfect evidence of death and identity of deceased persons.

"6. The registration medical officer visiting the dwellings of people in unfavourable sanitary conditions would discover and point out the consequences of those conditions to the families themselves, and to the authorities, in seasons of cholera, of fever, or other epidemics. The authorities would find it convenient to make him the health officer for the district; and often where such an officer already exists, he might discharge the medical registration duties. The Postmaster-General would employ the registration medical officer in insurance business, and so would insurance offices, to whom he could render essential service in putting a stop to the numerous frauds which are every day committed at their expense."

**Cholera.**—There can be little doubt now that epidemic cholera has at last appeared in England. In Liverpool, Southampton, Llanelli, Bromley, and the east of London, we have undoubted evidence of the appearance of cholera in its malignant form. No less than 346 cases occurred in London during the week ending on the 21st of July. It has been imported into these districts there can be little doubt. There were cases of cholera in Southampton last year, and it was imported into Liverpool in the beginning of the year. The places where it has broken out are precisely the places where we should expect it, from their intercourse as seaports with the towns of the Continent where the disease is now prevailing. From the Continent we have lamentable accounts of the prevalence of the disease. It has been especially severe at Amiens, in France, where upwards of sixty persons have died in 1865.

week during the month of July. At Rotterdam it has been reported that there has been, during the present year, 9000 cases, of whom 6000 have died. The great question for the people of England to consider now is, What is best to be done? All are agreed that cholera is most severe amongst persons who live in dirty, ill-ventilated rooms, and who are regardless of personal cleanliness. It is plain, therefore, that one thing should be done, and that is to cleanse houses, premises, and places, and to introduce, as far as possible, cleanly habits, fresh air, and pure water. It is still a question amongst medical men as to whether cholera depends upon a special poison, which can be conveyed from one person to another, or upon general conditions produced by vicious habits, foul air, and dirt. Whether one theory or the other be true, there can be no doubt of the wisdom of making all practical measures for the prevention of the spread of cholera include both issues. Let all endeavours to arrest the disease include all possible sources of it from dirt, and prevent the possibility of contagious matter being carried from one individual to another. In every parish in the kingdom sanitary committees should be at once formed, with whom one, two, or more medical men should be associated. To this committee every case of diarrhoea or cholera should be reported, and in every suspicious instance an investigation of the locality should take place. Drains and cesspools should be cleansed, or, at any rate, deodorised; all dirty rooms, areas, outhouses, water-closets, privies, &c., should be whitewashed and otherwise cleansed. The supply of water to the house should be examined. Cisterns and water-butts should be cleansed. Where water is supplied from pumps, the water should be tested and the wells examined, and if there be any doubt of the purity of the water, they should be closed. When organic matter exists in water, it should be filtered or boiled, or both, before drinking. People should be cautioned against eating tainted food of any kind. Where cholera has broken out, people should be warned against the danger of eating food from their hands after handling those who are affected with the disease. All the excretions of the patient should be deodorised by the use of the permanganates, or carbolic acid. Short directions in the form of handbills should be spread by the sanitary committee, taking for their basis the "Memorandum of a plan of united action in the case of an epidemic of cholera," drawn up by the metropolitan medical officers of health.\* There should be no hesitation about this matter. No town in the kingdom is safe. Parish funds cannot be more wisely and economically spent than in preventing the introduction of this fatal and expensive disease. We do not venture to suggest an plan of treatment. What we most earnestly implore the public is, not to trust advertisers and illiterate quacks. Such men make their living by preying on the fears and terror of the public at such seasons as these. The whole history of this terrible disease shows that no one system of treatment can be trusted for cure. An examination of a

\*This document will be found at page 278 of this journal, and may be had separately, at 6, North-street, Manchester-square, London.



hundred different methods of treatment shows that *opium* was the principal remedy in eighty out of the hundred, and we suggest to the medical profession that this fact ought alone to lead a scientific practitioner to hesitate before treating a case of cholera—at any rate, in diarrhœal or early stage—without this remedy.

**Infanticide.**—The *Medical Times and Gazette*, while fully recognising the value of Dr. Lankester's efforts to put down infanticide, protests against the matter being made (as it has too much been made) the subject of sensational leaders in the penny papers. Lord Stanley at Birmingham last autumn, gave a true estimate of the case when he spoke of it as "one of those periodical panics to which all who have watched the course of public opinion in this country know that we are liable." But a panic of this kind is decidedly an unpleasant one. It is (as the *Medical Times* remarks) exceedingly unpleasant to find ourselves stigmatized in foreign newspapers, on Dr. Lankester's authority, as "a nation of infanticides;" and this at a time when infant mortality is actually decreasing. Foreigners are ready enough to avail themselves of our insular habit of washing our dirty linen out of doors. The Papal Government even went so far as to send over an emissary, the Abbé Césaire Contini, to collect statistics; and his report, "based on Dr. Lankester's statements," gives the astounding (and, to the Ultramontane mind, no doubt highly gratifying) intelligence, that 13,000 children are yearly murdered by their mothers in heretical England! The way in which M. Contini arrives at this monstrous total is a curious instance of how (as the late Sir R. Peel used to say) "anything may be proved by figures." Dr. Lankester holds from seventy to eighty inquests annually on children found exposed in the streets or elsewhere, and "gives it as his opinion that from the advanced state of decomposition in some of the bodies, at least an equal number escape detection." Now, the total number of inquests on children under seven, held by English coroners, M. Contini found to be 6506 in the year 1863; hence, on the Lankestrian hypothesis, as interpreted by the Italian abbé, there must be 6506 cases which escape observation. Hence the 13,000 cases of infanticide. We have the Middlesex coroner to thank for this conclusion. He overrated the yearly victims of infanticide at 4000, because in his district of a million people eighty inquests are held and eighty cases uncovered. And so he accepted this as a fair average, not only for the rest of London, but also for country parts, putting forward, moreover, the horrible hypothesis, that one out of every thirty women whom you meet in the London streets has some time in her life "put away" her child. No doubt the bastardy laws are as bad as they can be, and the law which makes no distinction between murder and infanticide defects itself. But still it is absurd to play the alarmist in this manner. Dr. Farr, the great authority in statistics of this kind, says that infanticide is the cause of a very small fraction of children's deaths. He tells us, too, that the mortality of young children is less in England than anywhere in Europe, except in Norway and Sweden.



undeniably excessive rate of infant mortality in our great and little towns is due mainly to defective sanitary conditions. The landlords are the real murderers, slaying their tens of thousands, while unhappy mothers slay their tens. The *Medical Gazette* appeals strongly to the press to avoid sensational paragraphs on this subject: "Such crimes are undoubtedly repeated from imitation. Some phrase seizes the imagination, and the morbid disposition to repeat the act becomes sometimes irresistible."—*Pall Mall Gazette*.

**Sisterhoods in Asylums.**—Mr. A. F. Browne, Commissioner of Lunacy in Scotland, in a paper in the *Journal of Mental Science*, says:—"There is a demand for work for women. Here is a labour, a mission open to, and worthy of the humblest capacity and loftiest aspiration; duties so sad and servile as to deserve the name of penance, it please the labourer so to regard them; and others so refined and elevated, in nature and range, as to exercise the wisdom of the serpent as well as the gentleness of the dove. For such as have no home, or no suitable home, here is a retreat; for such as crave a wider field for exercising sympathy than what their natural vocation affords, are offered a life of cares and anxieties, duties and rewards; for such as desire to emancipate themselves from the conventionalities of society, from the luxurious or frivolous or do-nothing habits of their class or training, or who court work for its own sake, for the mental health and complacency which it brings, or even for the retirement, the protection from the world, the pride of life, &c., and for the independence which at its price, an asylum provides real, substantial, Christian exertion, so varied and yet so constantly appealing to the better part of human nature, and exacting so much of thoughtfulness, reticence, and self-possession, as to realise, in great measure, what religious associations profess to have as special objects, and to desire to undertake."

**Cow-Cottagers' Widows.**—In many parts of England there are a large number of cow-cottagers, and almost everywhere a sprinkling of them is to be found. They are a highly respectable and industrious class, but are not wealthy; and though they live in comfort, and save a little, they are not able to lay by large sums of money. Thus their widows would be left in poverty, did not the custom prevail of allowing them to keep the cottages after their husbands' death. The son generally lives with his mother and works as a labourer, giving her in after-hours any assistance she may require with her land and cows. Sometimes he marries and lives in a cottage near at hand; sometimes, if the mother is infirm, they all live together, and the daughter-in-law does the work, *i.e.*, makes the butter; but, under any circumstances, the widow is sure of a provision and of kind treatment from her son, as the cottage and land are in her holding; but now circumstances are not unlikely to occur which will put an end to this happy arrangement, and leave the widows dependent on the kindness of their son, and if they have no son, deprive them altogether of the advantage of the cottage, and leave them most likely to the parish. It is proposed to give the franchise to occupiers of land at 14*l.* rental. This

will include many cow-cottagers ; but as the widows will have no vote landowners will be less willing than they now are to let them keep their cottages. This will be a great hardship to a numerous respectable and deserving class of women, who will be deprived of material advantages, and condemned to poverty through no fault of their own. This will not be the case under all landlords ; some will give up their political influence, rather than act unkindly to the widow of an old tenant, but others will not be so considerate. Now, to obviate this hardship, it is suggested that the same plan might be pursued in England which is followed in Austria, and from which no bad consequences appear to have arisen. The plan is simply this,—that persons who hold land should have votes, whether men or women. Austria, however, female voters do not go in person to the polling booth ; they send their vote by proxy. Nothing could be more easily done. The female land-occupier might write down the name of the candidate she favoured, followed by her own signature, in the presence of a magistrate, churchwarden, or other accredited person, who would also sign his name as witness, and then this paper might be conveyed to the polling-booth by any neighbour, who was going to vote for the same candidate. By this simple contrivance, a great practical hardship and cause of suffering would be avoided.—*Agricultural Gazette*

**Recruits for the Navy.**—If we lived abroad, and had the happiness of being Frenchmen, or Dutchmen, or Austrians, or Prussians, or Portuguese, should we be incessantly stirred up to the astonished irritation with which we read of the unaccountably suicidal folly of English officials and men of power and influence ? Or is it the fact that personal liberty necessarily places our affairs in the hands of administrators inferior to those who do the national work under a more despotic class of rulers ? For instance, is there any decently governed continental country where the mere announcement of such a state of affairs as that put forth by Sir J. Hay in his recent speech at Stamford would not lead to the immediate adoption of the obvious remedy ? The Junior Lord of the Admiralty informs us of the pleasant fact that the men who enlist in our navy are diminishing at the rate of 2000 a year, and that this diminution has been going on for the last four or five years, notwithstanding the increase that has been made in seamen's pay. At the same time, he reminds his audience that there exists a source from which the navy might be amply recruited by the easiest processes. Our cities swarm with a multitude of wretched boys, the offspring of criminal or pauper parents, who are practically forced to a terrible destiny to swell the ranks of the huge criminal adult population. Yet these boys have only to be taken possession of by the State, and placed under proper training, to furnish an almost endless supply of sailors, both for the navy and the merchant service. A mere increase of the boys now fed, clothed, and taught at the public expense in union workhouses, would at once go far to supply our most pressing wants. The future of these poor children, as it is, is doubtful enough. To turn them into embryo sailor lads would be the greatest of blessings.



them. The additional cost would be a trifle, for we already feed, clothe, house, and teach them. Here, then, is a case in which there are practically no difficulties at all, which cannot be easily surmounted by an administration of average capacities and energy. Will Sir J. Lubbock prove to be the man? In his speech he speaks only in a vague way of those who "from want of education will swell the criminal classes." We take the liberty of suggesting to him something definite, and make a beginning. Let him and Mr. Gathorne Hardy put their heads together and make arrangements for transferring a few thousands of the boys now thronging our workhouses to properly planned training-schools, and thence to training-ships. What is being done with Greenwich Hospital, now that it has lost nearly all its indoor pensioners, that it should not at once be made use of for such a purpose?—*Pall Mall Gazette*.

**The London Workhouses.**—When the *Lancet* determined on appointing a commission to inquire into the state of the London workhouses, few persons were prepared for the revelations of neglect and suffering which were thus made known to the world. The Poor Law Board were compelled, by the reports published by the *Lancet* commissioners, to make inquiries on their own account, and accordingly appointed Mr. Farnall and Dr. Edward Smith to report especially on this subject. The reports of these gentlemen have now been published, and any one who will take the pains to go over their contents will see that the *Lancet* commissioners in no way overrated the deficiencies of the London workhouses. In looking over these reports, it seems almost incredible that intelligent men, with apparently respectable servants, and medical men of reputation and character as their officers, should have allowed institutions under their control to have been conducted generally in so careless, and, in some instances, so shocking a manner. Dr. Smith, it is true, apologises for the wretched way in which the paupers in our parish infirmaries are treated, on the ground that they are better off, after all, than they would have been at home; but it should be recollected that this has never been made an excuse for neglecting our prisoners and lunatics, and ought not to be received one moment as an apology for the dirt, neglect, and indecency which have been revealed in these reports. With regard to Mr. Farnall, it must be a matter of surprise to every one to find that he has so suddenly become the advocate for workhouse reform. For years he has been the inspector of the Poor Law Board, and, to a great extent, the apostle of the very evils he now condemns. He conducted the inquiries in the case of Gibson, at the St. Giles's Workhouse, with the greatest regard to the feelings of the guardians at that parish, and had not a word to say in condemnation of the proceedings which led to the "killing-out" case in St. Pancras. Dr. Edward Smith comes fresh to the work, and his report will probably be read by the general public with the greatest interest. Dr. Smith has, however, disfigured his report by an attempt to show that a less amount of cubic space for the sick is required than is usually thought to be necessary. He considers



that a room may be well ventilated with 500 cubic feet to each individual, whilst all our best sanitary authorities demand from 1200 to 1600 cubic feet. With this exception, we regard Dr. Smith's recommendations as commendable. Except in the point of ventilation, there is little difference between the reports of the commissioners, and we give the "conclusions" at which Dr. Smith has arrived *in extenso* :

" 1. *As to the Buildings.*

" The sites of the workhouses are in all cases as healthful as the surrounding localities ; and, with the exception of those lying upon the level of the river, they are all that could be desired.

" The drainage and water-supply are almost universally good.

" Of the older workhouses, those at Clerkenwell and St. George-the Martyr, and the main buildings (not the infirmaries) at St. Giles and Rotherhithe, should be taken down.

" It has already been determined to remove the Islington, St. Martin's, and the Strand Workhouses. When material changes are to be made in the workhouses at Poplar, Lambeth, Bermondsey, Holborn and St. Luke's, it may be advisable to reconstruct and perhaps to remove them.

" Of the newer workhouses, it is intended to build a new infirmary at Greenwich, and material changes in the construction of the Hackney and St. Margaret's Workhouses will be necessary.

" There are one or more wards in nineteen workhouses which are unfit for the use of the sick.

" The size and general arrangements of the wards are in general good, but the wards in the detached infirmaries are in general small and less suitable than those in the body of the workhouses.

" The water-closet, lavatory, and bathing accommodation is good in many, but deficient in other workhouses, and may be readily improved. The supply of hot water to the different parts of the workhouses is also very frequently deficient, as is also that of cold water on Mondays.

" From the construction of many workhouses too little light is admitted into the corridors, and through the corridor walls in the wards, as also through the outer walls, all of which may be remedied.

" The ventilation is all but universally defective, whether in the new or the old workhouses, and demands immediate attention. It may be made good in the course of a few months.

" The cubic and floor space required by the Poor Law Board is not allowed in some wards of all except four or five workhouses. This is more particularly found in the Strand, Clerkenwell, and Greenwich Workhouses, and is there almost universal.

" The Poor Law Board should by order fix the number of beds which should be placed in each ward.

" The minimum floor space to be required for each bed is 6 feet 9 feet, or 6 feet by 10 feet, or from 54 to 60 superficial feet, and to

height of the room should be from 10 to 12 feet. The space between the beds should not be less than 3 feet. We have found, by experiment, that 500 cubic feet in a well-ventilated room is sufficient for health, and that no ward, having that capacity, need have more than 0.46 per cent. of carbonic acid in the air by day, and 0.050 to 0.075 per cent. by night. The essence of the question is the ventilation, which may and must be rendered good.

"Hence, in fixing the number of beds to be placed in each room, each and all of the following regulations should be observed :

"1st. That not less than 500 cubic feet be allowed.

"2nd. That not less than 3 feet between each bed be allowed.

"3rd. That not less than from 54 to 60 superficial feet be allowed.

"As the wards are usually from 10 to 12 feet in height, and some of them nearly 30 feet in width, the usual cubic space will exceed the minimum.

"More space is required in the large majority of workhouses. In about half of them there is plenty of land upon which to build. Some are about to be removed to larger sites, others must be pulled down, and a few remain, of which the guardians must determine whether they have sufficient land or not.

"Re-arrangement of the different parts of workhouses is necessary. As the number of able-bodied inmates is small, except in a few workhouses, and as the children, fever, and small-pox cases, venereal cases, and noisy and dangerous lunatics, are practically not retained, the workhouse is required almost exclusively for the aged and infirm (particularly for women), with the sick arising from them and from other sources. Hence, the whole of the main building should be given up to those two classes, whilst the able-bodied, lunatics, and the few cases of disease requiring separation, should be placed in other buildings.

The body of the workhouse, rather than the infirmary building, should be enlarged, and as these institutions are really asylums, and are neither workhouses nor hospitals, it would be more correct to designate them 'parochial asylums.'

Cleanliness is almost universal, and is usually very remarkable. The beds and bedding are generally good.

A large proportion of the workhouses are deficient in articles of furniture, which may be readily supplied.

It may be needful for the Legislature to confer larger borrowing powers upon the guardians.

## "2. As to the Medical Care of the Aged and Infirm, and Sick.

Paupers should be employed only as servants and in subordinate capacities. There are now paid non-pauper nurses in all the workhouses, except three or four. Their number is upwards of 130, and it should be immediately doubled. This the guardians may readily effect.

The medical attendance upon the sick is generally good, but a re-arrangement of the mode in which the medical officer performs his duties is necessary, with a view to the devotion of more time to them.



The medical officers should act more generally as sanitary officers, and their recommendations of every kind should be in writing. The time required to keep the books of the medical officer should be lessened by placing on a separate list all those aged and infirm, and imbeciles, who may be permanently placed upon a special dietary, and the list of the medical officer should in future contain only those who are really sick.

"The guardians should provide all drugs and dispensers.

"The salaries of the medical officers should be almost universally increased, and, if possible, an approach to an uniform system of payment should be devised.

"Their orders for medical extras and appliances are universally allowed by the guardians, and they alone should be held responsible for their sufficiency.

### "3. *The Government and Supervision of the Workhouse.*

"Some change is desirable in the constitution of the board of guardians, as by extending the period of service of the elected guardians.

"The master, matron, and medical officer should have a deep sense of their responsibility to the Poor Law Board, and of the two former, some have well earned, and should now receive a superannuation allowance.

"All parishes and unions, whether with or without local Acts, should be brought equally under the direction of the Poor Law Board.

"The present amount of inspection, whether by the visiting committee of guardians, or by the Poor Law Board, is not sufficient, and the system is imperfect. More than one inspector of the Poor Law Board should be appointed for the district, and, after the example of the Lunacy Commissioners, they should have special and different professional qualifications. The chairman of the board of guardians should be a chief member of the visiting committee, and bear a large share of the responsibility of the office. Under efficient visitation and inspection, I do not doubt that many of the present evils would be removed.

"General instructions in reference to the plan of construction, ventilation, size of rooms, &c., of workhouses, should be prepared and issued by the Poor Law Board.

"An uniform dietary should be prepared by the Poor Law Board, and a special dietary be provided for the aged and infirm."

**Suppression of the Dog Nuisance.**—The *New York Times* publishes the following account of the manner in which vagrant dogs are dealt with in that city during the ninety days which follow the 18th of June in every year. Half-a-dollar is paid for the apprehension of each dog, on delivery at the dog-pound, which, for obvious reasons, is on the water side. The dogs are kept in the pound until four P.M. of the day following that on which they were captured, when—unless they have been in the meantime reclaimed and their expenses paid, or unless they are dogs of obvious value, likely to find purchasers—they are



duced into the dog cistern, which will hold from sixty to eighty dogs without uncomfortable crowding, the lid is fastened down, the water is turned on, and there is an end of them. Their corpses are buried by extract, or sold for manure—"the new machine for grinding them up and extracting their bark for medical purposes having," says the *New York Times*, "hitherto proved a failure." The payment of half a dollar for the apprehension of each dog converts every horrid little street boy into a vigilant dog policeman.

**Miss Garrett, L.S.A.**—At the late inauguration of a dispensary for women and children, in Seymour-place, Bryanston-square, under the management of Miss Garrett, Dr. Billing said—"Not only is the management mainly in the hands of ladies, but in Miss Garrett we have the first legally qualified female practitioner which England can boast. In America, where they move faster than we do, I am assured that women doctors are establishing themselves fairly in the good opinion of the public; that during the late war there were even women who acted with skill and efficiency as army surgeons. In France and many parts of the Continent the practice of midwifery is as a rule in the hands of women. I consider it very important that women who enter the profession should not profess to take medical supervision unless they have had a complete medical examination and training. And this is what Miss Garrett has had. She is not only a licentiate of the Apothecaries' Society, but would undoubtedly have obtained the degree of M.D., had she been allowed to present herself for examination at the London University. We cannot call Miss Garrett a physician-acoucheur, because the College of Physicians also refuses to admit her, but she has the diploma which nine-tenths of the general practitioners hold—the license of the Society of Apothecaries, and, what is of more consequence, she has the knowledge which will qualify her to practise with skill and success." The *Lancet*, referring to the opening of the new dispensary, says—"Miss Garrett has surmounted the great difficulties which surround the attainment of a complete medical education for women with singular energy and perseverance, at great cost, and after long years of arduous labour. She passed an excellent examination at the only board which could or would examine her, and she is as well entitled to practise as anyone in the kingdom. The position which she has taken up is entirely exceptional, and corresponds with that which we assigned to her as of necessity. She has settled in a great centre of population, and aspires to a special practice amongst women and children. This we believe to be the only condition under which females can successfully practise medicine. It is one which will always limit their number, for only a few people are fitted for such a position; and the competition which they must undergo in pursuing a speciality amongst large populations is of a severe kind. There is only room for a few practitioners, and those of the highest qualifications. In this exceptional career Miss Garrett is a pioneer, and is entitled to great credit for her earnestness and energy. How many will or can successfully follow her example, or what would be the likely result of their endeavour to do so, we refrain from prophesying."

## PROCEEDINGS OF SOCIETIES.

### ROYAL DUBLIN SOCIETY.

A scientific meeting of the members of this body was held in the Board-room of the Society's House, Kildare-street, on the 28th of March last; Dr. Evory Kennedy in the chair.

Dr. E. D. Mapother, Professor of Hygiene, R.C.S.I., read a paper on "Labourers' Dwellings — Successes and Failures of Efforts to improve them by means of Inspection, Loans, and Public Companies and the Expediency of extending to Ireland the compulsory Principles in their Erection and Maintenance." The following is a short abstract:

"The dwellings of the poor in cities, towns, and rural districts of Ireland are ill-constructed, dilapidated, overcrowded, and unwholesome. Let me attempt the description of one or two in each of the situations—Gill-square is a blind court opening by a narrow archway under one of the houses in Cole-alley, Meath-street, in this city. In there are nine three-storey houses, built on three of the sides of square of about fifty feet; the roofs are broken, the walls present most unsafe and tumbledown aspect, the windows are boarded up more than half their space. Every room is to the utmost overcrowded with beings whose dirty, ill-clad, and spiritless aspects it is saddening to behold. There is but one yard for all, and in this, till last year there was a hovel about ten feet high and eight square, in which the adults were huddled. Here, however, time has wrought improvement, for there now remains but a heap of rubbish. In a neighbouring house in Cole-alley, some years ago, twenty people were found lying in one room, of whom five were ill of fever; and Mr. N. Robinson has ascertained that in the 171 rooms of this alley there exists an average of over five persons. No. 56, Bow-lane, West, I have described in a recent report to the Corporation as follows: Hall and stairs covered with three inches of crusted filth; first flight so rickety as to be unsafe; second without a bannister; floor of second landing broken into two holes about a square foot each; dangerous to life and limb; ceilings both top floors broken and let in rain; no lower sash in window back room, so that it had to be covered with a petticoat nailed over such state would produce colds and rheumatism; and back yard without a sewer—prolific causes of diarrhoea. Poverty of the owner is not the cause of the dilapidation of these abodes, for the persons who set them, like many of their class, have raised themselves to comparative affluence by profits thus gained from the poor. In other things are no better, as we learn from recent reports of the Sanitary



committee. The overcrowding of the wretched tenements in which they live, each house containing several families, ranging in the aggregate, in some instances, from thirty to sixty human beings, male and female, in each house, for which large rents are exacted by the landlords, who will not spend one penny in the cleansing or improvement of their houses, unless coerced by force of the law to do so. Your committee have learned that a practice prevails amongst poor families occupying rooms in these houses to underlet a portion of their rooms to nightly lodgers—an evil which it appears to your committee might be met by the enforcement of the Lodging House Act. The labourers' cottages in such small towns as Chapelizod, Navan, Carrick-on-Suir, Ennis, are usually built in lanes, and are often placed back to back, excluding all chance of thorough airing, or the provision of sanitary accommodation; they consist of a single room, or a lower room and a sleeping place, of about twelve feet square and eight feet high, which suffices for the breathing of the five inmates (the average) and the parant, who is almost invariably accommodated with a night's lodging, about 192 feet of space, 1000 being the average in public institutions. It would not be so hurtful if there were any means of renewing the air within it; but from the absence of a chimney in the sleeping-room, which is usual, the small size and immovable state of the windows, no ventilation occurs. In such an overcrowded state there can be no violent separation of the sexes. When a death from contagious disease occurs in such an abode, the retention of the body within it is fraught with fearful evils; and since the abolition of the Vestry Act there have been no funds for interment, and if the relatives were unable to provide for it, they had to beg the amount from the neighbours. Sir Hervey Bruce has, however, obtained an Act this session which empowers poor-law guardians to bear the expenses of interment. Neither in such a room can ablution of the whole body be accomplished, and I have frequently found persons (especially females) suffering from skin diseases and other maladies, who for many years had never washed any part of their bodies but the face, neck, and hands! Evictions and the demolition of cabins in the rural districts have driven agricultural labourers into the small towns, and as new abodes in the place of those removed would be subject to taxation, they have not been erected. Besides the fearful overcrowding thus induced, the labourers have to expend their strength in walking long distances to their work. The remedy is that which followed in England last session, upon a masterly demonstration of its necessity by Dr. Hunter, of the Medical Department of the Privy Council—namely, union rating, for which a bill has been introduced by the members for Dungarvan and Limerick. The mud hovel of the southern and western peasants is too well known by the sketches of English tourists to need any description here. Planted anywhere, regardless of situation, the low walls, the black, half-rotten thatch, the want of any proper flue or of windows (for the hole filled with an immovable and partly glazed sash cannot be so regarded), the clay floor,



which becomes soaked with the pigs' food or more dangerous filth, and the adjacent manure heap, are all highly promotive of disease. From the want of a back door, thorough airing can never be effected. The admission of domestic animals, the pig especially, has done much to propagate measles and other parasitic diseases, which are afterwards injurious to man when their flesh is used. Mr. Godwin, of the *Bureau of Emigration*, has often quoted the description of the way in which the inmates are disposed, as observed by a medical friend of mine:—'Generally the pigs dwell beneath the beds, the human tenants in them, and the poultry over head; the people can enjoy the prospect of bacon and chickens, which, however, they never taste.' If there be an inner room it is close and stifling, and so ill-lit that when the doctor pays his visit in the daytime a candle is required to permit him to see his patients. There are in Ireland, according to the last census, 89,374 mud or stone hovels of one room only, and 489,668 mud houses with more than one room, giving an increase in Connaught of 5168 of the latter class since 1841. The average number of persons occupying each of these dwellings is in towns 4.53, and in the rural districts 5.24. Now, the remedy for this deplorable state does not lie in the labourer's hands, however great his willingness to pay for better accommodation, but with the landlord when he recognises the duties which appertain to his property. Many diseases are produced, promoted, or rendered more fatal among the poor, and if contagious, spread to the rich by such conditions as I have sketched. The other physical and the moral evils which result from the wretched condition of the habitations of our poor, I shall not now touch on, but they are subjects pre-eminently important for the philanthropist and the statesman. The evils which neglected dwellings impress on our countrymen are carried with them when they emigrate to British and American cities, in which the term 'Irish' applied to a neighbourhood is the synonym for 'wretched and filthy;' and gall to our national pride as the expression is, no candid man can deny that there is some truth in it. It becomes the duty of every man to lend his aid in removing the causes which lead to such universally recognised degradation. The means which legislation has heretofore provided for the improvement of the dwellings of the humbler classes have been inspection and the advancement of Government loans. Inspection in towns in Ireland is only allowed in nightly lodging-houses duly registered, and only when the population exceeds three thousand and the town has been placed under Commissioners by the adoption of the Improvement Act of 1854. As few of the towns which have adopted the Act of 1854 employ any inspector, it follows that nightly lodging-houses are unregulated in Ireland, except in a few of the larger cities. Power to inspect the tenemented dwellings of the poor in the same way as common lodging-houses are unregulated in Ireland, except in a few of the larger cities. Power to inspect the tenemented dwellings of the poor in the same way as common lodging-houses has been advocated by the ablest writers, and first and most forcibly by the Rev. Charles Kingsley; but Dublin is the only city in these kingdoms to which

as been granted. Such powers were granted last year under the Dublin Improvement Act, and are now anxiously sought for by London and other English cities, through their health officers and representatives. Ninety-five such houses were registered and regularly inspected, and the single fact will prove with what advantage; an average of one case of fever yearly occurred in the whole of them, whereas nearly every tenement house produced a case. Such considerations induced the Corporation to seek power over tenements set weekly at rents under 1s., and the Lord Lieutenant sanctioned by-laws respecting the condition of roof, walls, windows, house-drain, and other sanitary requisites, and imposing penalties on the owner for neglect in these respects, and on the occupier for any offence in injuring or abusing such accommodations. The owners of some of these houses, which number about 9000 of the entire houses in the city, at once organised themselves into a body with the grandiloquent and scarcely intelligible title of 'The Anti-Political Rate-payers' Protective Association,' whose object was to protect themselves from the outlay necessary to render the houses fit for human habitation. By representations that the cellings of the poor were in excellent order, that the Corporation were about to apply the by-laws for the regulation of furnished nightly lodging-houses to tenement dwellings, by memorialising that body, and threatening many of its members with opposition at the next election, and by appeals to the police magistrates, they have as yet to a certain degree impeded us, notwithstanding the deplorable state of houses, such as I have exemplified, in Gill-square and Bow-lane. On Wednesday last, however (the question having been argued by most eminent counsel), the magistrates decided in favour of the Sanitary Committee, and fined the Secretary of the Tenement Owners' Society for not having registered a house kept by him. So determined are their efforts to oppose us in carrying out the sanitary by-laws, that they have lodged an appeal to the Queen's Bench. They complain that the term 'common lodging-house' is an opprobrious epithet to apply to houses set in tenements. The difficulties of keeping a registry of 900 houses with changing owners are so great that I trust some future Act may declare registration unnecessary for 'tenement houses,' as distinguished from 'common lodging houses,' in which such a system is required. The by-laws came into action on the 15th day of September, and the sanitary sergeants forthwith proceeded to enforce them. During the eight months the Act has been in operation 8974 houses have been visited, 92,707 sanitary defects discovered, and the largest proportion of them corrected. It is most gratifying to know that in the amended sanitary legislation which the Government have promised this session, the power of regulating tenement houses will be extended to all other Irish towns as well as the power to prevent overcrowding as at present possessed by English Acts. The Act for the inspection and regulation of lodging-houses in England, obtained by Lord Shaftesbury, was followed in 1851 by the Act to encourage the establishment of lodging-houses for the labouring classes, which provided



that in towns of 10,000 inhabitants the local authority might borrow money from the Loan Commissioners for the purpose of building wholesome dwellings for the labouring classes. This Act being a dead letter, the 'Labouring Classes Dwellings Act' (just passed through the efforts of Mr. Childers) extends the granting of loans for this purpose to public companies and to individuals, who can offer fit security at four per cent., and repayable over forty years. A similar bill for Ireland, introduced by Mr. Childers and the Attorney-General, has obtained a third reading, and it possesses a valuable additional clause providing that buildings, ruinous or dilapidated because of defect of title, may be sold in the Landed Estates Court. Such Acts are perfect as permissive enactments; but for reasons I will just now mention, I fear that, as in the case of the Act of 1851, the supineness of municipal bodies and landed proprietors will, to a great extent, render them nugatory. In 1855 Sir W. Somerville and Mr. G. A. Hamilton obtained an Act which much facilitated the improvement of labourer dwellings by granting the power to the landlord to recover possession under the Summary Jurisdiction Act of any tenement or cottage of labourer, which, having been previously provided with every sanitary appliance, had fallen into dilapidation. The same member, after some unsuccessful efforts, procured the enactment of the statute sanctioning the granting of loans on most favourable terms to landed proprietors for the erection of agricultural labourers' dwellings, and the Commissioners of Public Works, to whom the management of the statute was entrusted, published regulations and specifications for the work. They also offered places for the buildings, to which, however, the proprietors were not bound to adhere. A stroll over the Hill of Howth will practically convince any one of the advantages of the Act; in few parts of Connaught could more wretched hovels be discovered than exist here some years ago. Now, these places are taken by several neat and wholesome dwellings for the labourers, which are set at highly remunerative rents. The cottages are kept in excellent order, and the satisfactory report may be made of many others of those erected under the Act. Many counties, for example, Galway, Mayo, Leitrim, and Roscommon, or nine-tenths of the western province, which most sadly required improved dwellings, have never had a loan granted, no application, I presume, having been made by the owners of the soil. Throughout the country there are a few large landed proprietors who have interested themselves in the improvement of their labourer dwellings before this Act had been passed for Ireland, and the pretentious and healthful cottages at Loughcrew, Clermont Park, Enniskerry, and Santry occur to me in illustration. With regard to the plans which these dwellings should be constructed, I will not, of course, attempt to enter into details, but I exhibit these models from the Agricultural Museum of our society, representing some which have been erected, and these elevations and plans for a pair of labourers' cottagers have been drawn by my brother, Mr. D. Mapother, C.E., of Louisville, U.S. They are adaptable for a small or large family by extension of the



partitions, and, as all ornament is omitted, the expense would range between 60*l.* and 75*l.* each, every sanitary requisite being provided. These other plans are being carried out on the premises of Messrs. Valpole and Webb, under the direction of Mr. C. Geoghehan, architect. There are also on the table several valuable plans which have been kindly lent to me by Mr. Barry, Commissioner of Fisheries, who has laboured longer and more energetically on the subject than any one with whom I am acquainted. A friend has informed me that cottages are made for a very small sum in France, by moulding in wooden shapes the scrapings from the streets, but I fear that, like the mud cabins, they would not allow permeation of air. In London and other great cities the greatest advantages with respect to health, prosperity, and morality, have followed the erection of improved lodging-houses and family dwellings for the working classes. They have been in many instances highly remunerative, even up to 14 per cent. on the outlay. In other cases where the noble benevolence of Mr. Peabody and others justified a greater expenditure than could be recouped in rents, the return has been as low as 3 per cent. In Edinburgh, sixteen buildings accommodating 847 families have been erected, and they have all been pecuniarily successful. In this city something in this direction is at last about to be done; the Industrial Tenements Company, Limited, has just been established with a most influential director, who have entered into the movement in a spirit of commercial enterprise, which alone can make the project remunerative, and on a scale adequate to the wants of our labouring population. The financial success of improved dwellings erected in this city by Mr. Thomas Vince, Dr. Ivory Kennedy, and Mr. Lindsay has been remarkable, and there are always many eager applicants for tenements when vacant, which facts augur well for the success of the company. The most important measure in regard to the subject ever introduced is that which Messrs. M'Cullagh Torrens, Locke, and Kinnaird brought in on the 20th of February. It is entitled, 'A Bill to provide better dwellings for Artisans and Labourers,' and applies to any borough or district in England to which the Public Health Act has been granted, or any place in the metropolis governed by a vestry. In France the dwellings of the operative classes, as well as all other sanitary matters, are directed by a special branch of the State, named 'Commission de Salubrité Publique,' and a most effective machinery is organised to see that all houses are built upon proper plans, and are preserved in good order. I will sum up in a very few words what I hope for as necessary to improve the dwellings of the poor, and thereby raise immensely the standard of public health—1st. The constitution of a central controlling authority for local government and sanitary improvement. 2nd. The enactment of a comprehensive building code, the passing of local acts being expensive is often avoided. 3rd. That our sanitary laws should be compulsory in cases of flagrant neglect; the permission to act now very generally construed as permission not to act. 4th. A generally diffused desire on the part of employers and landowners to

provide for the healthful wants of their dependents, and they will grow according as our nation prospers, and according as the masses are educated in the knowledge of the laws which regulate the wellbeing of their own bodies. That the subject I have thus so imperfectly submitted to you is closely connected with our prosperity cannot be more forcibly expressed than in the words of the Devon Commissioner which are painted in large letters over the entrance of our Agricultural Museum—'While the dwellings of the general body of the people are surrounded by the elements of disease, and are damp, cold, dirty, and comfortless within, so long will the country be destitute of even the semblance of general prosperity.'"

Mr. Maclean expressed his approval of the ideas brought forward in the paper, and spoke of the great necessity there existed of carrying out improvements in the sanitary condition of the dwellings of the poor. He read a number of extracts from various letters and reports in further proof of the deplorable condition of very many of the houses of the poor in Dublin. The house jobbers were the greatest curse to the city that could exist, and great opposition was given by them to sanitary improvements; but he believed they would be defeated in their attempt to stop the efforts that were being made with that object.

Mr. W. Daly said Dr. Mapother had placed before them a practical solution of the question of sanitary improvement, and the matter had so far engaged the attention of capitalists, that measures were being taken to improve the dwellings of the poor in the city. It was hoped the Corporation would follow up their efforts to enforce the by-law for the improvement of the sanitary condition of the dwellings for the poor.

Mr. R. H. Jephson stated that in 1861 there were found people living in houses in the parish of St. Michan's at an average of nine to each bed. There were many instances of overcrowding in the city; but he was of opinion that the working men should help themselves, as had been done in England. It was not the Government's business to undertake the duty of building houses for the working classes. He dwelt briefly on the benefits that he believed would accrue from the operation of building societies.

Mr. Beggs (London) bore testimony to the value of the contents of the paper read by Dr. Mapother, and also spoke of the wretched condition of the poor of London, resulting from overcrowding. He endorsed all the sentiments contained in the paper, and he showed the necessity of adopting some measures for the removal of the evils complained of. In London there were places where fever was ever present. While people feared cholera, which only visited places after intervals of years, they forgot that typhus fever was ever present. When he visited some of the overcrowded places in the poor districts of London, where all the decencies of life could not be observed, he was not surprised that so many people rushed to the gin palace and to dissipation, but he was surprised that so many had abstained from that course, and endeavored honestly to rear up their families. He contended that it was almost



impossible to preserve the morality of a community if the ordinary rules of decency were not observed. The speaker then went on to refer to the Acts of Parliament introduced by Lord Shaftesbury, with reference to the subject; and he showed how matters stood in London, and the remedies for the removal of evils. He drew numerous lessons not only from the successes, but the failures of schemes to effect improvement in the dwellings of the working classes. These dwellings should be made to pay, and the greatest philanthropist was the person who could induce capitalists to spend money in the city with that object, in a manner that would pay. He then referred to the importance of the establishment of building and land societies, and he detailed the operations of such societies in parts of England.

Mr. Mapother, C.E., briefly referred to some plans of small houses which he exhibited, and explained their advantages.

After some remarks from Mr. N. Robinson, Dr. Steel, and Mr. Dillon, Mr. Beggs promised to supply a paper showing what had been done in England in relation to labourers' dwellings.

#### HARVEIAN SOCIETY OF LONDON.

May 17, 1866—Dr. Tyler Smith, President.

Mr. Curgenvven, in opening the "Debate on Infanticide," desired to direct the attention of gentlemen present to the consideration of the crime as it presented itself to them in its social aspect, rather than to the pathological evidences to be found in the various modes of death. This latter would involve a lengthened discussion on a subject with which they as practitioners were tolerably familiar. The former was a subject worthy their most serious attention, as it was surrounded by many difficulties and presented many debatable points. He would call their attention to the reported increase of infanticide in this metropolis. In one district alone—Central Middlesex—the numbers were reported to have increased from 84 in 1863 to 114 in 1865. He hoped and believed that some of these cases were the bodies of still-born infants, of those that had lived but a short time, placed where they had been found by persons in order to save the expense of burial. He believed many bodies of infants were disposed of by being thrown into the river, the canal, or other places, by paupers who were unable to pay 7s. 6d. for burial. Some gentlemen present might possibly suggest means for detecting the crime, which, from the reported cases, appeared to be confined principally to the class of domestic servants. His opinion was that if, through an alteration in the bastardy laws, the mother was enabled to feel that she could rely on the father being compelled to support his offspring, she would in many instances be spared the temptation, which ruin and poverty brought upon her, of destroying the child which prevented her earning her livelihood. It was no use to shut their eyes to the fact that a great many illegitimate children were borne of domestic servants; they could all call to mind numerous cases in their practice. No power could prevent their occurrence; but it was the



duty of the Legislature to entail on the man some of the consequences of his acts, while it provided for the safety of the woman and her child. How was it at present? Why, the most guilty party escaped, having perhaps promised marriage or paid a trifle for a few weeks, until he could place himself out of the reach of his victim. She, helpless, with an infant in her arms, forsaken by her relatives and former friends, was unable to bear up against her poverty and difficulties, and was tempted to destroy the innocent cause of her sufferings. Again, many children were destroyed during or soon after birth; the woman seeing, in the discovery of her situation, her future ruin, was tempted to conceal her shame by the destruction and secretion of the infant. Did she know that the father would be called upon to support her and her child, and that she would meet with some sympathy from those around her, she probably would not be tempted to commit the greater crime. He would now direct their attention to a class of cases ten times more numerous than infanticide, but which he considered were but one degree removed from child-murder—he alluded to the numerous deaths of illegitimate children through neglect, he would say *wilful* neglect, or the part of those having the care of them. As medical men, they were usually called in a few hours before the child was expected to die, that they might certify that the child died of convulsions, bronchitis, diarrhœa, or marasmus, the most common forms of death of these ill-fed, neglected infants. It was very rare that the mother nursed or reared her illegitimate child; she was forced to get a situation, and work for its maintenance. The child was placed in the care of a woman who, perhaps, had several others, and she received a weekly sum, and undertook to rear the child. Should the remittances cease, which not uncommonly occurred, the child was neglected and did not long survive. They all knew how difficult it was to rear a child by hand with mother always anxiously watching, and a medical man guiding the selection of its food and ministering to its ailments. How much more difficult, might he ask, was it to rear children by hand by paid unpaid nurses, ignorant, and in many cases paupers, who had neither interest nor affection for the nursling. Some remedy must be sought for this state of things, and he saw no remedy but a more perfect and compulsory registration of births and deaths. The residence of the mother or nurse of the illegitimate child should be registered, that she might be under the surveillance of the parish authorities or the police for at least twelve months; and no child, mature or otherwise, still-born or not, should be buried without a medical certificate of the cause of death. The two classes of cases he had brought before them, considered, deserved their earnest attention, and he hoped some suggestions of alterations in the laws would be offered that would be worthy the attention of the Legislature.

Dr. Ballard said that the mortality of infants was closely connected with the question of infanticide. With regard to infanticide, he feared it was difficult to suggest any remedy for it, as society was now constituted; but with regard to the excessive mortality of infants which

the age of twelve months, he entertained very strong opinions as to the causation of a vast amount of it. Thus he thought the paper of the much esteemed lady, Mrs. Baines, who had written on this subject, and addressed a letter this evening to the Society enclosing her paper, contained some statements rather apt to mislead. He had often found that mothers, from a natural desire to suckle their own child, caused its death, on account of their being unfit to act as nurses. He believed that this was one of the great sources of infantile mortality. He had on several occasions urged this view of the matter on the profession, and had attempted to point out how many infantile maladies were caused by fruitless suckling of infants.

Dr. Drysdale said the causes of infanticide were not difficult to be understood. In the first place, there was—what medical men were least of all men apt to overlook—the intense appetite of sex, acting, like the force of gravitation, constantly to tempt to a union of the sexes. Then, again, there was the well-known evil of bringing new beings into the world without the means of securing their existence. In the case of the poor, who usually married young and begot large families, many of the children, it was well known, died from the privations they had to undergo from the poverty of their parents. It was difficult, then, for poor persons to maintain their offspring, even when they had the sanction of society for begetting them; of course it was enormously more difficult for a poor single woman, whose motherhood procured her only ruin and disgrace, to do so. And thus it could readily be seen why domestic servants, rather than any other class of women, such as factory girls, committed infanticide, since with the former character was necessary for existence. Although he thought that possibly Dr. Lankester had a little exaggerated the frequency of infanticide in London, he could quite understand why this phenomenon was on the increase. In the first place, the number of marriages had of late years been decreasing in this country. Thus, the Registrar-General's report showed that, from 1796 to 1805, there were 1716 marriages in 10,000 women; whilst from 1836 to 1845, there were only 1533 marriages to 10,000 women. Continental statistics told a similar tale. For example, Sir W. Wilde said that in Vienna, one out of every two births was illegitimate; in Munich, in 1838, there were 270 more illegitimate than legitimate children born; in Paris, some authors said that one-third of the births were illegitimate. The causes of these remarkable facts were no longer a mystery. Ever since the publication of Malthus's great "Essay on Population," it had been well known to the thoughtful few that there was no hope of successfully coping with such topics as infanticide, unless parents in society were convinced of the great evils they inflicted both on society and on their children by the production of large families. The thoughtless conduct in this respect of the majority in this and other old countries inflicted the evils of low wages upon the great mass of the citizens, and infanticide and other distressing consequences followed. Mr. Stuart Mill had pointed out very frequently, in his splendid work on "Political Economy" (without



reading which work, the speaker said, no one was, in his opinion, competent to discuss any question in social science or public hygiene), that the great hope for the future of the labouring classes of both sexes lay in the prospect of their soon being led to perceive that the production of a large family was a grave social offence, not something to be proud of, since it overcrowded the labour market in all trades and professions. The mortality of children in different countries was a good index of the state of society existing in the several states. Thus, in the long-lived country of Norway, where the condition of the peasantry was probably superior to that of any other European state, out of 100 children born, 83 attained the age of 5; in England 74; in Russia 62; and in Italy 61. Comparatively few children were wilfully killed by their parents; but there could be no doubt that the great distress caused by large families caused many mothers to neglect their children in a way which no less certainly caused death. The great dislike felt by many poor mothers to augmenting the numbers of their families was daily seen in hospital and dispensary practice, where mothers came so frequently with infants at the breast at the age of eighteen months. It was said that in Norway many suckled their children three years, in order to avoid another conception. He quite agreed with Mrs. Baines, that bringing up by hand was a most frequent cause of infantile mortality; three-fourths of all such children, it was well known, died shortly. All practical measures for lessening infanticide must be based on a knowledge of the facts he had stated. For example, with regard to foundling hospitals, as hitherto conducted, they were only a legalised State infanticide. Thus, in France the foundling hospitals received, according to M. Legoyt, 30,000 children annually, and the mortality in them was more than 50 per cent., whilst poor mothers only lost 29 per cent. of their children. In Austria, the Government of which country, according to Sir W. Wilde, encouraged illegitimacy and discouraged marriage, because married women were known to have so many more children than single ones, women were, it appeared, received into public lying-in hospitals, without any questions being asked, and their children sent to the Foundling Hospital, if they desired it. It might, then, be presumed that infanticide was rare in Vienna; but, then, the mortality in the State foundling hospitals was very great. Again, a proposal had been made by an eminent writer, Dr. Farr, in a recent essay on "The Mortality of Children in different States in Europe," that, as some families were childless, adoption of the children of those who were prolific and poor should be encouraged. Such a suggestion was not, he conceived, practical, since no one but the few would think of such a thing, and besides, it would encourage persons to beget offspring, and then thrust them on others, who were more prudent and self-denying. Summing up the question, he thought that infanticide might be diminished by making the marriage law less severe than it now was, and permitting divorce without any loss of character to either party desiring it. This would doubtless make marriage more common. Again, women should be encouraged and permitted to take up any



employment they pleased, by which means their wages would be increased, and they would not be obliged to take to prostitution or infanticide from the force of circumstances. But the most important point was, that the stigma of society should not, as now, be so severe against the maiden-mother, who had *one* child, whilst it was so lenient to the other woman who entailed, even in the married state, suffering and ignorance upon a numerous and guiltless progeny. Lastly, infanticide should not be punished by death, since this tended now to bring the law into contempt. Lying-in charities should, in the true Christian spirit, be made available for all poor pregnant women, not alone for married women. But, above all, this matter should be openly discussed, not ignored, as hitherto.

Dr. John Thompson said he had had much experience of cases of infanticide in his capacity as local magistrate in a country district. He could not agree with Dr. Drysdale that infanticide was in any great degree attributable to poverty, since he had not found this to be the case during a residence of twenty-three years in North Devon. He did not remember more than one case where poverty was the cause. His own idea was that the present law, regarding the maintenance of illegitimate children by their fathers, required much alteration. He did not, however, think that much more money compensation could be exacted from them. As the law now stood, 2s. 6d. was the sum required to be paid weekly. It was no use asking a large sum in most cases, because the fathers were, in country districts, totally unable to pay more than a small weekly sum out of their wages. He had, however, often wondered that no one had called attention to the fact that, in the case of a man marrying a woman with an illegitimate child, the whole expense of that child after this devolved on the step-father. He thought some alteration was needed in the law with regard to this point.

Dr. Hardwicke said he should not like the opportunity to pass without saying a few words, although he could add nothing to the remarks made by the coroner for Central Middlesex (Dr. Lankester) in his Third Report of Inquests for 1865, to which he would refer for full details of circumstances relating to infanticide. If Dr. Lankester had apparently exaggerated the extent of the crime of infanticide in this country, it was not that evidence of it could be found in the verdict of coroners' courts, for they certainly did not take cognisance of half the cases, whilst many escaped observation by being buried as still-born children, there being no registration needed for the burial of this class of infants. An amendment of the bastardy law offered one chance of meeting the case of those unfortunate females who are badly protected by the law in the maintenance of their illegitimate children. That change in the law also recommended by the Commission on Capital Punishment, making it an offence punishable by imprisonment, or penal servitude, for a woman who maliciously or wilfully injures her child at or after birth, would bring many cases to justice which now easily escape conviction under the present state of the law. Unfortu-

nate and needy women, with a prospect of illegitimate offspring, required more protection than our institutions afforded them, and he (Dr. H.) was not inclined to indorse the opinion that foundling hospitals were sources of evil rather than good. Certainly, industrial institutions, or houses, if maintained at the expense of the state or parish, would tend to avert much misery and disgrace to young women, and would save rather than increase the expense of crimes that sprung from the present way of dealing with mothers and their illegitimate offspring by the union workhouses.

Mr. Benson Baker had had large experience of infanticide and infantile mortality. He lived in a part of town where large nurseries for children existed. It was by no means uncommon to see in one room three, five, or seven children nursed by one woman. The mortality among such children was very great, and in no one instance in which inquests had been made had he ever seen the father appear. Public opinion was required to put women in their proper position. Industrial homes ought, he thought, to be established, where women might enter after their confinement was over; as it was, ten days after this too place they left their children and entered service.

The President said he had often heard the Coroner, Mr. Wakley speak of infanticide. That gentleman held that the best policy was to stifle the matter, and say as little as possible about such cases, and he consequently avoided inquests in cases of suspected infanticide.\* He (the President) believed the contrary, and thought it was much better as Dr. Lankester was doing, to bring these questions before the public and into the light of open discussion. He was sure that a great deal of infanticide escaped unknown. Thus, he had been told, that women were frequently delivered into wash-tubs, the room where they were confined being made to assume the appearance as if washing were going on. There was, he regretted to say, no efficient foundling hospital in London. He did not agree with Dr. Drysdale that, because many children died in foundling hospitals in France, an equal number would die in this country, if similar institutions were in existence here.

Mr. Sedgwick in reply to an observation of the President, that nothing had been done during the last hundred years to increase the provisions made for foundlings, remarked that, within the last twenty years, an institution, entitled "St. Saviour's Hospital and Refuge for Destitute Women and Children," had been established by private charity, with which he had the honour of being professionally associated. Its object was to check the increasing sin of infanticide, affording a shelter to outcast and friendless women and children. It contained a nursery, in which children were received from the earliest age; a boys' and a girls' school, in which the children received a plain education, and were trained for service, suitable situations being obtained for them before they leave; and, lastly, a Refuge, distinct from the rest of the house, and fitted up for the reception of outcast females, to which is attached a lying-in ward. Mr. Sedgwick, in con-

\* Dr. James Wakley, son of the late coroner, has denied, in a letter to the *Times*, that his father ever stifled inquiry in these matters.



usion, remarked that Dr. Lankester, as visitor, had cordially approved of the institution, and that Miss Willis Fleming, of 35, Bryanston-street, who was its superintendent and chief support, would willingly give any further information on the subject.

Dr. Cleveland said there was a remark he wished to make—namely, that it was deplorable with what facilities certificates of death were procurable in some cases. He instanced the case of a girl who was delivered of twins, one of which died, and she obtained a certificate of its death; but on her coming again to demand a certificate for the second, it was refused until an examination was made. She immediately said it was of no consequence, as she knew a doctor at Islington who would give her the certificate without any trouble. He thought the Harveian Society would do well to bring some such matters before the attention of the Legislature.

Mr. Curgenven, in reply, said he was glad that some practical suggestions had been offered for checking the crime of infanticide and the excessive mortality obtaining among illegitimate children. The medical profession had always led the van in social and sanitary reforms, and he considered that the Harveian Society, from the labours it had devoted to the social evils, could not perform a higher duty than to act in the debate of this evening, and bring some suggestions, supported by evidence and facts, before the Legislature and Poor-law Board, that might lead to alterations in the laws, whereby those evils might, in some degree, be checked. He would propose “that a committee be formed, consisting of the following members:—Dr. Tyler Smith, the President; Mr. Curgenven and Dr. Charles Drysdale, the Honorary Secretaries; Dr. Hardwicke, the Deputy Coroner; Mr. Ernest Hart; Dr. Sanderson, Medical Officer of Health for Paddington; Mr. Benson Baker and Mr. Sedgwick, with whom should be associated Dr. Lankester, the Coroner for Central Middlesex, to draw up a report on infanticide, with the object of suggesting the best means for checking the crime, and to report on the causes of death of young children, the best means for preventing excessive infantile mortality, and to suggest some plan for the care and rearing of illegitimate children other than the present workhouse system.”

Dr. Hare seconded the motion. He considered that the labours of such a committee as proposed would be attended by many good results.

The proposition was put and unanimously adopted by the meeting.

Communications on this subject were invited to be sent to Mr. Curgenven, 11, Craven Hill Gardens, W.

#### NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

##### *Report to the Annual Business Meeting of Members.*

July 6, 1866—Lord Brougham in the Chair.

The Council have found it convenient this year, as was also the case last year, to summon the Annual Business Meeting of Members at an earlier date than usual. They have, however, been able to wind up the financial and other business of the year in a satisfactory manner.



*Special Evening Meetings.*—Special meetings have been held in the Departments during the Session, from November to June. The total number of meetings has been twenty, and the following papers and reports have been read and discussed :

Nov. 13. Address to the Department of Jurisprudence and Amendment of the Law, on the opening of the Session of 1865-66. By C. W. Hastings.

Nov. 27. The Palace of Justice. The Site, Approaches, and Arrangements of the Courts and Offices of Judicature. By Thomas Webster, Q.C.

Dec. 11. Tribunals of Commerce or Courts of Arbitration. By H. J. Leppoc.

Jan. 22. The Home Accommodation of the People, in Relation to their Domestic and Social Condition, with Practical Suggestions as to the further development of Freehold Land Societies and Building Societies. By Thomas Beggs.

Jan. 23. On the Reform of the Law of Debtor and Creditor. By William Hawes.

Jan. 26. University Tests. By Hon. George Brodrick.

Jan. 29. A Discussion on the Patent Laws.

Feb. 12. The Expediency of making Marriage a Civil Contract Compulsorily. By Dr. Waddilove.

Feb. 14. An improved Constitution of Local Governing Bodies and on the Legislation on Local Subjects which may be safely and beneficially transferred to them. By Thomas Hare.

Feb. 21. The Education of Neglected and Destitute Children. By Rev. W. L. Clay.

Feb. 26. On the Affiliation of Illegitimate Children. By J. Gue Q.C.

March 12. Report of the Sub-Committee on the Patent Laws.

March 21. The Third Annual Report of the Coroner for the County of Middlesex. By Dr. Lankester.

March 26. On the Report of the Royal Commission on Capital Punishment. By Serjeant Woolrych.

April 16. Adjourned Discussion on the Report of the Sub-Committee on the Patent Laws.

April 23. Adjourned Discussion on the Report of the Capital Punishment Commission.

April 30. That the Assumption of Surnames and Armorial Ensigns should be subject to some Legal Control and Restriction, and that, in the case of Peerage, there should be some competent Tribunal to decide on rights and claims to Baronetcies. By Serjeant Burke.

May 23. On the Pollution of Rivers. By Robert Rawlinson, C.I.

May 28. Report of the Sub-Committee on the Bankrupt Law.

June 4. Adjourned Discussion on the Report of the Sub-Committee on the Bankrupt Law.

The various papers and reports have been printed in the monthly *Journal of Social Science*, copies of which have been, by an arrangement with the Editor, Dr. Lankester, sent free of cost to all members.

prising two guineas a year. The sessional papers of the Association are pagged consecutively, so that, if it is wished, they can be detached from the other part of the *Journal* and bound as a separate volume.

*The Resignation of Miss Craig (Mrs. Knox).*—At their meeting on the 8th of March, the Council received from the Executive Committee a report of Miss Craig's resignation. On the receipt of this report, it was moved by Lord Ebury, seconded by Mr. Shaen, and carried unanimously—"That the Council have heard with great regret of the resignation of Miss Isa Craig, and desire to record their high sense of the value of her services to the Association, and their gratification at learning that she is willing to remain connected with the Secretariat in an honorary capacity; and that they hereby authorise the Executive Committee to take the necessary steps for the acceptance of Miss Craig's offer."

*The Appointment of a Secretary.*—In consequence of Miss Craig's resignation, the Executive Committee recommended that a Secretary should be appointed, and that the offer of the Rev. W. L. Clay to accept the office should be accepted. The recommendation was accepted as a temporary arrangement until the pleasure of this meeting could be taken; and, in order to render the office permanent, for which end certain alterations are needed in the laws, the necessary resolution will be to-day moved by the General Secretary.

*The Presidency.*—At the meeting of the Council on June 22nd, Lord Brougham announced that he felt himself obliged to decline reelection for the ensuing year to the office of President. The following resolution, moved by Sir J. K. Shuttleworth, and seconded by Mr. Hastings, was carried unanimously:—"That the Council have heard with great regret the announcement made by Lord Brougham, that he finds it indispensable to decline to preside at the ensuing Annual Meeting at Manchester, and they cannot receive this announcement without putting on record their grateful sense of the great services which his lordship has rendered to the Association as its President from the commencement, and by his presence and addresses at every Annual Meeting, as well as by the exertion of his personal influence to promote the success of all the objects which the Association has had in view."

*The General Secretaryship.*—At the same meeting, Mr. Hastings informed the Council that, for reasons which he stated, it was his sincere wish not to be re-elected General Secretary for the ensuing year, as it would be quite impossible for him to give the same time and attention to the business of the Association that he had hitherto given. The Council, however, were unanimously of opinion that the services which Mr. Hastings could still give, even under the altered circumstances to which he referred, would be invaluable, and they therefore strongly recommend this meeting to re-appoint him to the office.

*Working-men's Dwellings.*—The Legislative Business Committee, in conjunction with a Committee appointed by the Society of Arts, prepared a Bill for the improvement of dwellings for the labouring classes;



but in consequence of a Bill, entitled the "Artisans' and Labourers' Dwellings Bill," having been introduced into the House of Commons by Mr. M'Cullagh Torrens, and referred to a Select Committee, the introduction of the Association's Bill was delayed. As, however, Mr. Torrens's Bill, as amended by the Select Committee, does not compass the wishes of this Association and the Society of Arts, it is proposed to procure the first reading of the Bill prepared by them with a view of its further prosecution next year.

*Digest of Case Law.*—The Council resolved, on the 30th of November last, that the attention of the Government ought to be called to the expediency of forming a Digest of the Case Law of England. A Memorial to Earl Russell was accordingly prepared by a Committee appointed for that purpose, and was presented to his lordship, who has informed the General Secretary that the subject is under the consideration of the Government.

*Annual Accounts.*—The accounts for the year have been made up and audited. The receipts from the Sheffield Meeting amounted to 589*l.* 8*s.* 6*d.*

*Donations to the Library.*—During the past year the Council have received many gifts for the Library. In particular they have to thank Mr. Edwin Chadwick for upwards of 300 volumes, many of them rare and valuable; and Mr. David Dudley Field for a copy of the proposed Code for New York, prepared by the Government Commission of which he was a member.

*Deceased Members.*—Among other members deceased during the past year, the Council have to deplore the loss of Joseph Parkes, Esq., Sir Benjamin Heywood, Joseph Dickenson, Esq., F.R.S., F. D. Gosmid, Esq., M.P., Dr. Conolly, G. Harry Palmer, Esq., Dr. Lee, Q.C., Dr. Hodgkin, James Stevenson, Esq., James M'Clelland, jun., Esq., and William Barlow, Esq.

The tenth Annual Meeting of the Association will be held in Manchester, from the 3rd to the 10th of October next.

The following are the Special Questions chosen by the Standing Committees of the several Departments for discussion at the Meeting:

**I. JURISPRUDENCE AND AMENDMENT OF THE LAW.** Section A. *International Law.*—1. What are the best means of extending and securing an International Law of Copyright? 2. What is the duty of the Mother Country as regards the Protection of Inferior Races in the Colonies and Dependencies? 3. How may the Extradition of Criminals be best secured, consistent with the right of asylum? Section B. *Municipal Law.*—1. On what principle should a Bankrupt Law be founded? 2. What would be the best mode of reducing the Law of England to a compendious form? 3. What conditions or limitations ought to be imposed upon the power of disposing in perpetuity of property, real or personal, for charitable or other public purposes?—Section C. *Repression of Crime.*—1. Is it desirable to carry out the Sentences to the utmost? and if so, in what cases, and under what form of discipline? 2. What are the best means of preventing



feticide? 3. In what other Public Institutions besides Gaols is it expedient that Coroners should be required to hold Inquests in all cases of death?

II. EDUCATION.—1. By what means can the impediments to the Education of the Children of the Manual Labour Class, arising from the apathy or poverty of parents and the claims of the market for labour, be most effectually removed? 2. What Central and Local Bodies are best qualified to take charge of and administer existing Endowments for Education, and what powers and facilities should be given to such Bodies? 3. By what means can Education be most effectually extended to the smaller Rural Parishes and the most Destitute Classes in large Towns?

III. HEALTH.—1. What means ought to be adopted to prevent the production of Smoke in Large Towns? 2. How can the Pollution of Rivers, by the refuse and sewage of towns, be best prevented? 3. What Legislative or other measures should be employed more effectually to prevent the Adulteration of Food?

V. ECONOMY AND TRADE.—Section A. 1. Upon what conditions and by what authorities ought Licences for the Sale of Alcoholic Liquors to be granted? 2. What measures, Legislative and other, should be adopted in order to supply better Dwellings for the Labouring Classes? 3. What means ought to be adopted for Improving the Management of Workhouses?—Section B. 1. Does the Bank Charter Act need modification? 2. Is it expedient to adopt means for Reducing the National Debt, and if so, what means? 3. What Improvements might be introduced into our existing system of Taxation?

#### BRITISH ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE.

The thirty-sixth meeting will commence on Wednesday, the 22nd of August, 1866. President, William R. Grove, Esq., Q.C., M.A., F.R.S. The following notices of arrangements for the meeting have been published:—

The general committee will meet on Wednesday, the 22nd of August, at 4 p.m., for the election of sectional officers, and the despatch of business usually brought before that body. On this occasion, there will be presented the report of the Council, embodying their proceedings during the past year. The general committee will meet afterwards by adjournment. The first General Meeting will be held on Wednesday, the 22nd of August, at 8 p.m., when the President will deliver an Address; the Concluding Meeting on Wednesday, the 29th of August, at 4 p.m., when the Association will be adjourned to its next place of meeting. At two Evening Meetings, which will take place at 8 p.m., discourses on certain branches of science will be delivered. There will also be other evening meetings, at which opportunity will be afforded for general conversation among the members. The committees of sections will meet daily, from Thursday, the 23rd of August, to Wednesday, the 29th of August inclusive, at 10 a.m. precisely. The sections will meet daily, from Thursday, the 23rd of August, to Tuesday, the 28th of August inclusive, at 11 a.m. precisely. Reports on the Progress of Science, and of Researches entrusted to individuals and

committees, and other communications intended for presentation to the sections, are expected to be forwarded in letters addressed to the Assistant General Secretary, at Nottingham, previously to the meeting, accompanied by a statement whether the author will be present, and on what day, so that the business of the sections may be satisfactorily arranged. The reports complete, and concise abstracts of other communications, are to be delivered to the secretaries of the sections before which they are read, previously to the close of the meeting, for publication in the "Transactions." As the reports on science may be interesting to more sections than the one which originally called for them, it is desirable that the authors should be prepared to furnish the means of reading them in any other section at the request of the President and Secretaries of that section.

The following are the titles of the sections to which communications may be presented:—Section A. Mathematics and Physics. B. Chemistry and Mineralogy, including their applications to Agriculture and the Arts.—C. Geology.—D. Biology.—E. Geography and Ethnology.—F. Economic Science and Statistics.—G. Mechanical Science.

*Election of Members and Associates.*—On and after July 30, until August 17, life members who intend to be present at the meeting, may receive their tickets by applying to the General Treasurer, and returning to him their life member's invitation circular; annual subscribers who wish to receive their tickets must return their invitation circular with 1*l.* enclosed, to the General Treasurer, W. Spottiswoode, Esq. 50, Grosvenor-place, London, S.W.

The executive committee at Nottingham will elect new members and associates, on the following conditions:—

I. New life members, for a composition of 10*l.*, which entitles them to receive gratuitously the reports of the Association, which may be published after the date of payment.

II. New annual subscribers, for a payment of 2*l.* for the first year. These receive gratuitously the reports for the year of admission and every following year in which they continue to pay a subscription of 1*l.* without intermission.

III. Associates for this meeting only, for a payment of 1*l.* They are entitled to receive the report of the meeting at two-thirds of the publication price.

Ladies may become members on the same terms as gentlemen. Ladies' tickets (transferable to ladies only) may be obtained by members, on payment of 1*l.*

After August 17 personal application for tickets must be made at the reception room, Nottingham, which will be opened on Monday, August 20th. The reception room will be kept open for the issue of tickets not later than 8 p.m. on soirée evenings, and not later than 6 p.m. on other evenings.

Gentlemen who have in any former year been admitted members of the Association may, on this occasion, renew their membership, without being called upon for arrears, on payment of 1*l.*



## CORRESPONDENCE.

### "TEETOTALISM CALMLY STATED."

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

DEAR SIR,—I have read "The Question of Teetotalism Calmly Stated" with great interest, and am much obliged to you for inserting, as well as to the author for writing, so fair and moderate a statement of the views and objects of our societies. I would, however, beg to make one remark upon a clause on the first page, which might give rise to a false impression among those of your readers who are not familiar with the teetotal movement. The writer draws too sharp a distinction between the work of the teetotallers and of the Permissive Bill advocates. The great majority of the teetotallers of England are certainly prohibitionists; and with few exceptions the prohibitionists are teetotallers. If you were to consult the oldest and most experienced advocates and leaders of the teetotal societies, you would find that they maintained principles at the very beginning of the teetotal movement which involved the prohibition of the manufacture and the sale of intoxicating drinks, and the United Kingdom Alliance, of the executive of which I have the honour to be a member, was not founded to introduce any new principles into our movement, but simply to carry out one portion of our great scheme.

During this week the oldest temperance organization of the kingdom, the British Temperance League, has been holding its annual conference; it represents more than one hundred and fifty temperance societies, and I believe I am not outstepping the bounds of truth, if I say that there is not one of these auxiliaries which is not as earnest in its endeavours to promote the prohibition of the sale of intoxicating drink as it is in its advocacy of the duty of personal abstinence.

The United Kingdom Alliance numbers a few non-abstaining members, it is true, but all its active leaders and agents are total abstainers, and its executive number amongst its members men who have abstained for more than forty years from the use of intoxicating drinks.

I look forward with much interest to the further contributions of the writer in your number for the current month. So candid and so calm and thoughtful a writer cannot fail to do our great cause much good.

I am, dear Sir, very faithfully yours,

1, Upper Brook-street, Manchester, July 13, 1866. S. ALFRED STEINTHAL.

### FREE PUBLIC LIBRARIES.

*To the Editor of the SOCIAL SCIENCE JOURNAL.*

DEAR SIR,—I trust you will consider the object referred to in the enclosed paragraph worthy of your advocacy and support.

Yours faithfully,

, Paternoster-row, London, July 18, 1866.

A. HEYLIN.

New York possesses the magnificent Astor Library, containing about 100,000 volumes in every department of literature, open freely to the public for reference every day from nine to five. It has also a City Library free, open daily from ten to four; an Apprentices' Library—established solely for the use of apprentices and females in the employ of mechanics and tradesmen, and open freely to this class from eight in the morning till nine in the evening; a Medical Library, free, open from ten to ten; an Inters' Library, containing more than 4000 volumes, also free; and now there is every prospect of another free Library being added on a large scale. Boston, by a Special Act of the Massachusetts Legislature, in 1848, was provided with a free public library, and had granted from the City Funds 5000 dollars a year for its maintenance. Immediately on its establishment energetic citizens contributed largely in books and money towards the preliminary expenses, and a citizen of London (Mr. Joshua Bates),



connected with Boston by business and personal ties, presented a sum of 10,000 sterling for the purchase of books. Throughout the United States, libraries—readily accessible to all in search of knowledge—are numerous, and one result is that in intelligence, in acquaintance with literature and knowledge of the best writers in their language, the American people are unequalled in the world. But it was not left for democratic institutions to set an example in this respect—France possesses more than 100 public libraries, open freely to all comers, without distinction of person, rank, or country; Austria and Prussia together have nearly 90; Bavaria has 17; Belgium 14; and other European kingdoms have a fair share. Until the passing of Mr. Ewart's Act, in 1850, for enabling town councils to establish public libraries and museums, England had the unhappy pre-eminence of being without a single strictly free public library. Paris now possesses seven perfectly free public libraries, Vienna has three and Berlin two. The library of the British Museum was, and is still, we think, properly available to readers only under certain restrictions. The libraries of Sion College and of Dr. Williams' also were and are subject to restrictions which prevent their free use by the public. These three libraries, however, are, at the present moment notwithstanding the activity of provincial towns, the only libraries available for inhabitants of this great city of London, and the restrictions to which we have referred including the hours during which they are open, render them totally useless for the man of business, the clerk, the mechanic, and the artisan. Many smaller towns and cities throughout England have voluntarily taxed themselves under the provisions of the Act of Parliament referred to, and have established libraries, most of which are rendering immense service to the cause of education. London, which of all other cities in the world owes most of its position to the intelligence, education, and activity of its citizens, stands to our thinking degraded and disgraced for its apathy in this matter. Is there no public spirit among our bankers and merchants equal to that which has made John Jacob Astor's name one to be carried down to the remotest posterity accompanied by the thanks and blessings of those whose intellectual advancement has been promoted by his princely liberality? Is the accumulation of wealth alone the object of ambition to our citizens, and have they no desire to contribute aid towards the elevation and improvement of the masses? We hear of political reform till we are sickened with the very name—and recognise it only as the war-cry of party and the red flag of political antagonism—but this branch of social reform, the truest and surest of all reforms, is left unheeded and uncared for. Among the bankers, merchants, and traders of our city there are men who have felt it an honour to enrol themselves in the ranks of literature, whose fame hereafter will depend more upon their contributions to literature and science than to anything they may have done in the accumulation of wealth, such men—honoured and respected in all circles, possessing the confidence and respect of their fellow-citizens—we call upon to be up and doing in this matter, let them initiate measures for the establishment of a Free Public Library in this City,—a library which shall be an honour to the first City of the World. The contribution of their wealth, and, more than all, the influence which their active exertions will give to such a movement, is sure to rally around them a body of supporters whose energies and exertions will be irresistible. It is apathy, and opposition, that has to be overcome; antiquated prejudices doubtless prevail—poor and wise and pound foolish difficulties may be urged, but these are mere cobwebs which will be swept away with ease by a body of determined men. The aim of such a movement as we speak of should be to induce the Corporation of the City of London to grant an eligible and central site for a building, and to contribute from its funds a sum towards the expenses of erection and endowment; such sum to be supplemented by voluntary contributions, and we have such confidence in our fellow-citizens, that we believe individual subscriptions will be by hundreds and even thousands of pounds towards such an object. Apart from the benefit which will result to the inhabitants of this city from such a Library, a movement in this direction on the part of the Metropolis will set in motion similar active exertions throughout the country, and we hope the day is not far distant when our country will stand first among the nations of the world in the activity of its educational institutions, and the extent of its means for imparting knowledge.—*Trübner's Literary Record*, July, 1866.

[We willingly insert the above paragraph at the request of Mr. Heylin. We think it a deep disgrace to the metropolis that no effort should have been made to establish a free library.]

# NOTES FOR A HISTORY OF SANITARY LEGISLATION IN ENGLAND.

BY EDWIN LANKESTER, M.D., F.R.S.

IN England, although we find the medical profession organised in the form of the College of Physicians as early as 1518, we find little special sanitary legislation. The following notes from a journal distinguished for its advocacy of sanitary improvement are interesting :

“ In the gradual accumulation of the codes necessary to civilisation, here and there a law points to an advance almost beyond the requirements of the time, and which subsequent ages have lost sight of in their daily practice, and have had to bear the consequences in disastrous disorders. For instance, we may cite a law made by Richard II., more than five hundred years ago, which set forth that a proclamation should be made in London and in other cities and towns, that none should cast any annoyance, dung, intrails, nor any other ordure, into the ditches, rivers, waters, and other places, within or near any city, borough, or town, or the suburbs thereof; and if any do he shall be called by writ before the chancellor, at his suit that will complain; and, if he be found guilty, he shall be punished after the discretion of the chancellor.”

“ Notwithstanding this early and excellent act of legislation relating to the laws of sanitary science, at the present day a large majority of our towns deliberately dispose of all their refuse by depositing it in the nearest river. King Richard, despite his difficulties with Wat Tyler and the Percies, found opportunity to make this most useful provision, and it should have served for all time; but, unfortunately for ourselves as well as for the fishes, we have long since thrown the decree overboard; and, more than this, we are actually under the impression that social and sanitary sciences are inventions of the present day, and that the middle ages were devoid of both.

A second sanitary decree, by which we have also failed to profit, was issued by that wise sovereign lady, Elizabeth, when she enacted that ‘ None shall erect or convert a building to be a cottage for habitation unless he lay four acres of freehold land of inheritance so near unto it that they may be conveniently occupied therewith; in pain to forfeit 10*l.* to the Queen for every such erection or conversion, and 40*s.* a month for the continuance.’ Further, that ‘ No owner or occupier of any cottage shall place or willingly suffer any more families than one to inhabit therein; in pain to forfeit to the lord of the leet 10*s.* for every month he so continues them together.’ In this last clause we have the question of the evil of overcrowding fearlessly grasped, calculated upon,

and provided against by penalties; and yet to this very day we crowd cottages together and crowd families in cottages. Queen Elizabeth was a wise princess, and perhaps recognised the importance of sanitary science; but, instead of availing ourselves of her legislation, we prefer to go on blundering with our fevers, choleras, and other plagues, to learn for ourselves. She also made a great point of the cleansing and scouring of ditches, and the keeping of the hedges and trees in order along the highways; and in one of her regulations entering upon these matters we may see an anticipatory injunction against the modern practice of collecting scavengage in heaps and letting it lie and rot, sometimes in the centres and sometimes in the suburbs of towns: 'None shall cast the scouring of his ditch into the highway and suffer it to lie there six months; in pain to forfeit 10d. for every load.'

"Still earlier precaution for the preservation of the public health was taken by Edward II., when he enacted that a butcher should not sell swine's flesh 'mezzeled,' or dead of the murrain. For the first offence in this particular the butcher was to be 'amerced;' for the second, to have the pillory; for the third, to be imprisoned and fined; for the fourth, to abjure the town. Henry VII. took up this same sanitary scent when he decreed that 'No butcher shall kill any flesh in his scaling-house, or within the walls of London; in pain to forfeit for every ox so killed 12d., and for every other beast 8d., to be divided between the king and the prosecutor.' And more especially when he provided that this law was to extend to all other walled towns, Cambridge, Berwick, and Carlisle, only, excepted. For all this legislative wisdom the slaughtering of cattle is, but with few exceptions, carried on, with apparent preference, in the narrowest alleys in the most crowded and central portions of the town. Looking over the early statutes we can see most significant proof of a perception of the vital importance of sanitary measures. Many regulations were instituted which represent a wise intelligence on the part of those who framed them. It would have been well if men in the intervening periods had not lost sight of these, and left to the present age the gigantic task of combating with the causes of preventible deaths.

"Henry VI. decreed that, in a given ten years, several persons should be sent as commissioners of sewers into all parts of the realm, to inquire into the state of the 'walls, ditches, banks, gutters, sewers, gullies, calcies, bridges, streams, and other defences by the coasts of the sea and marsh ground,' and to cause any of them that required to be so to be 'corrected, repaired, and amended.' Henry VIII. extended this commission over an additional twenty years, and desired that the commissioners should take oath that they would execute the laws and ordinances according to their 'cunning, wit, and power, without favour, meed, dread, malice, or affection.' Edward VI. rendered the commission permanent."\*

John Caius, a physician, who lived in the reign of Henry VI., besides a history of the "Sweating Sickness," published some

\* *The Builder*, January 4, 1862.



sound sanitary advice in a work entitled "A Counseile against the Sweat," in 1522. He recommended the removal of the causes of fever "in damnyng diches, auoiding carios, lettynge in opene aire, shunnyng euil mists, not openynge or stunynge euil brethyne-places, landynge muddy and rottyng grounds, burieng dede bodyes, keping canelles clene, sinkes and easynge-places sweat, remouing dongehills," and other wise sanitary precautions.

In the history of sanitary science in our own country, we must not overlook the writings of Lord Bacon, who, in his "*Historia Vitæ et Mortis*," not only gave a history of previous experience of the action of external agents upon life, but gave suggestions for statistical inquiries on this subject, which, as has been observed, were "minute enough for any modern statistical congress." He also complained, that in the prosecution of these researches in his day, of a "discontinuance of the ancient and serious diligence of Hypocrates."\*

Passing on to the eighteenth century, we meet with the labours of Cook, Pringle, Howard, and Bland. They all distinguished themselves by introducing sanitary measures into the public departments of the State. Sir John Pringle, the eldest of this group of sanitary reformers, was born in 1707. He was educated at Edinburgh, and took his degree at Leyden in 1730. He became physician to the Earl of Stair, who commanded the allied armies of England and Austria, and, having received several military appointments, he devoted himself with great zeal and energy to the improvement of the barrack and hospital accommodation for soldiers. He was present at the battle of Dettingen, in 1743, and was shortly after appointed to be physician-general to the English forces in the Low Countries. It was through his exertions that in the early part of this campaign a convention was entered into between Lord Stair and Marshal Noailles for the mutual protection of the hospitals of both armies. He was a man of large observation and benevolence, and he improved the great opportunities he possessed in this campaign to observe the influence of climate, diet, heat, cold, cleanliness, intemperance, and other agents on the health of the soldier. He observed the symptoms that characterised the epidemics of camps and barracks, and did not confine himself, as has been too frequently the case with his successors, to the treatment of these diseases, but he gave great attention to the prevention of disease. His experience he embodied in his work on the "*Diseases of the Army*." This work has gone through several editions, and is now a standard work on this subject both in this country and on the Continent of Europe, where it has

\* Rumsey, Op. cit. p. 91.

been translated into the French, German, and Italian languages. One great recommendation of this work is the plain, straightforward manner in which it is written, free from medical technicalities, so that it has been used with success by the soldier as well as the medical man. General Melville states, that whilst Governor of the Friendly Islands he believes he was instrumental in saving the lives of seven hundred soldiers by having read Pringle's work. Sir John did not confine his sanitary operations to the army; he did what he could for the navy. He encouraged Captain Cook in his efforts in that direction. He also wrote upon the plague and hospital fevers, with a view to their prevention.

Captain James Cook was born in 1728, and has hardly less claims to be honoured by his countrymen as a sanitary reformer than as a circumnavigator. He rose by his own exertions from the position of an apprentice on board a coasting ship to be commander of three celebrated expeditions of discovery. In 1772, he started on his celebrated voyage round the world, which he accomplished in three years and eighteen days. He had on board one hundred and twelve officers and men, and he returned to Plymouth, from whence he had started, with the loss of only one man by disease, and that, as he emphatically observes, no scurvy. Even at this time, when the Government were indifferent, and the public more so, to the state of health of both army and navy, this result was startling. The description of life on board ship at this time, so graphically drawn by Smollett in his "Adventures of Roderick Random," is hardly an exaggeration, and every ship was a floating lazaret-house. It became of interest, therefore, to know how Cook had effected this great result, and we find him giving a very modest account of the means he adopted to Sir John Pringle, who was then President of the Royal Society, and his communication was published in the "Philosophical Transactions" for 1776. The following is a summary of this paper: First, as to diet. He was supplied with malt, of which he made sweetwort, by boiling, and to which he attributes antiscorbutic virtues. The next article was sauerkraut, which was served out to the sailors three times a week. Portable soup was also amongst the articles of food, and this was mixed with fresh vegetables as often as they could be obtained. Lemon-juice and orange-juice were also supplied occasionally to the sailors. Sugar was taken out instead of rum, for, according to the captain, the oil had a tendency to produce scurvy. Such was the diet, in addition to the ordinary stores, and in it we see those elements which subsequently in the hands of Blane, became the means of banishing scurvy from the navy of England.



But Cook did not confine his attention to diet alone. He attended to certain rules of living, which he carried out with the most anxious solicitude. Instead of allowing the sailors to serve watch on watch, as was the custom, he divided the crew into three watches, thus saving them much exposure and fatigue. He saw to the cleanliness of the hammocks as well as their dryness, taking care, by his own inspection, that they were kept in a healthy condition. One great point on which he dwells is the dryness of the ship. He had fires lighted below twice a week, in order to remove all dampness, and never allowed an offensive smell to remain on board. He says, "The least neglect occasions a putrid, offensive smell below, which nothing but fires will remove." At every place he could he took in fresh water, and never failed to get in a stock of fresh vegetables and meat. This paper is a text from almost every sentence of which a medical officer of health might preach a sermon. Such an admirable example as Cook set in this voyage could not fail to produce its effect. In 1783, Sir Gilbert Blane published his work on "The Diseases of Seamen;" and in 1795, when he was appointed head of the Navy Board, he succeeded in making it compulsory for every royal ship to take out lime or lemon-juice to be regularly administered to the sailors on board; from this time scurvy ceased to be a scourge to the navy.

Sir Gilbert Blane has claims to be regarded as a sanitary reformer, not only on the ground of his advocacy of the introduction of lemon-juice into the navy, but because of his labours generally on behalf of the public health. During the time he was at the head of the Navy Medical Board, he caused returns to be made by every surgeon in the service, and forwarded periodically to the Navy Board. From the examination of these returns he drew up several papers on the health of the navy, which were published in the Transactions of the Medico-surgical Society.

We now turn to John Howard, the philanthropist. He was born in 1726, and having been accidentally in early life made a prisoner of war, had his attention drawn to the unhealthy condition of prisons in general. He visited all the prisons in England, and many on the Continent, and drew up a report, which was presented to the House of Commons in 1772. This was the commencement of prison reform in England. Shortly after the presentation of this report two Acts were passed—one for relieving acquitted prisoners from payment of fees, and the other for preserving the health of prisoners. He, however, still continued his labours, and in 1777 published his great work, "On the State of Prisons in England and Wales, with some Preliminary Observations, and an Account of some Foreign Prisons."



"As soon as it appeared," said Aikin, in his "Life of Howard," "the world was astonished at the mass of valuable materials accumulated by a private unaided individual, through a course of prodigious labour, and at the constant hazard of life, in consequence of the infectious diseases prevalent in the scenes of his inquiries. The cool good sense of his narrative, contrasted with that enthusiastic ardour which must have impelled him to his undertaking, were not less admired, and he was immediately regarded as one of the extraordinary characters of the age, and as the leader in all places of meliorating the condition of that wretched part of the community for whom he interested himself."

In this work he laid bare the terrible results of a neglect of the laws of life in the treatment of prisoners. He dwelt especially on the prevalence of gaol fever, and although he imperfectly apprehended its real nature and proximate cause, he saw clearly the methods by which it could be removed. He laid down the "general heads" of a plan for regulating the government of penitentiaries, prisons, and houses of correction. Under the heads of fresh air, cleanliness, diet, clothing, lodging, firing, rewards, punishment, treatment of the sick, and burial of the dead, we find all the great principles of sanitary activity recognised. So great has been the influence of the labours and works of Howard, that the sanitary discipline of our gaols and prisons is at the present day, though not without some exceptions, far ahead of our general public sanitary arrangements.

The history of sanitary activity in the eighteenth century would be incomplete without reference to the great discovery of Jenner. It was in 1780 that the idea first struck him that it might be possible to propagate the cow-pox so as to render those who had it free from the attacks of small-pox. It was not, however, till 1796 that he made the decisive experiment. On the 14th of May of that year, a boy aged eight years was vaccinated with lymph taken from the hands of a milk-maid. The boy took the disease favourably, and on the 1st of July following, he was inoculated for small-pox without the slightest effect. The same experiment was several times repeated, and in 1798 he published his first memoir on the subject of vaccination, entitled "An Enquiry into the Causes and Effects of the Variola Vaccine." Although the practice of vaccination at first met with great opposition, Jenner lived to see it triumphantly established as a means of preventing small-pox, and adopted by every civilised country in the world.

The subject of vaccination may fitly introduce the subject of sanitary legislation in the nineteenth century. In 1802 the

Legislature of Great Britain voted a sum of 10,000*l.* as a reward for Jenner's services, and in 1807 he received a further grant of 20,000*l.* This was a high public recognition of the claims of preventive medicine on the consideration of the Legislature. In 1809, an Act was passed establishing the National Vaccine Institution, the functions of which body were to investigate the limits to which the protective influence of vaccination extended, and practically to assist in the introduction of its benefits throughout the country. In order to do this, a board of eminent physicians and surgeons were appointed, with salaries, a central office was established in the metropolis, where vaccination was practised on an extensive scale, and which served as a depôt from whence vaccine lymph was promptly and gratuitously applied to all parts of the empire. Under the direction of this institution, public vaccinators were appointed in London and the suburban districts, and were required to vaccinate gratuitously all persons who applied, in order to keep up a supply of the lymph. In 1833 a committee of the House of Commons was appointed "to inquire into and report on the expediency of continuing the National Vaccine Institution." This committee recommended a reduction of the Board and an economy in the expenditure of the institution. It still continues to perform the duties of vaccination and the distribution of the lymph thus obtained. Although the duties of this institution, as directed by the Government, were efficiently performed, it appeared in 1838, the amount of deaths from small-pox in England and Wales amounted to above 16,000, of which 3800 occurred in London. This led to great anxiety and inquiry in the country, and in 1840 an Act was passed, entitled "An Act to extend the practice of Vaccination." This Act gave power to the boards of guardians to contract with their medical officers or other practitioners for the gratuitous vaccination of all persons resident in their respective unions or parishes, the expense being defrayed out of the poor-rates. Inoculation for the small-pox was also made an offence punishable by imprisonment. Small-pox, however, still continued to prevail, and the "Vaccination Extension Act" was passed in 1853, by which it was enacted that every child, born after August 1, 1853, should be taken to the district vaccinator within three months, unless previously vaccinated and certified by some duly qualified practitioner. Those who failed to comply with this requirement, or to furnish a certificate of vaccination by a private practitioner, were subject to a penalty of twenty shillings.

All who performed vaccination, whether public or private, were directed to give certificates of successful vaccination to the



parents and the Registrar of Births. The Registrar-General was to provide books, forms, and regulations for carrying the Act into effect.

In 1859 an epidemic of small-pox spread throughout the country, and in that year there were 1156 deaths from this disease in London, and in 1861 there were 870. In the year 1861 a further improvement of the Vaccination Extension Act was sanctioned by the Legislature, and a short Act was passed entitled, "An Act to facilitate Proceedings before Justices, under the Acts relating to Vaccination." This Act contains the following clause :—

"The guardians of any union or parish, or the overseers of any parish where the relief to the poor is not administered by guardians may appoint some person to institute and conduct proceedings for the purpose of enforcing obedience to the said Acts or any of them within their union or parish; and as to all expenses incurred by any person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament, in proceeding for enforcing penalties under the said Acts or any of them, if the justices or court before whom such proceedings are had, certify that such expenses ought to be allowed, such court or justices shall ascertain the amount thereof, and such amount shall be payable out of the rates for the relief of the poor of the parish where the person for the time being dwells in respect of whose default or offence the same were instituted; and the court or justices shall ascertain the amount of such expenses. And proceedings for enforcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default."

A Bill was brought into Parliament during the last session (1866), but with other useful measures was abandoned.

One of the most important steps towards supplying data for the application of sanitary measures in this country, was the passing of the Registration Act in 1837. Previous to this time parish registers and mortuary registers were kept, but no attempt was made to generalise the facts thus registered. Parish registers were not kept in this country till the reign of Henry VIII. in 1538, when injunctions were issued by Cromwell, Henry's secretary, that every clergyman should keep a book wherein he should register every marriage, christening, or death. In 1694, in the reign of William III., a registration Act was passed for the purposes of revenue. The "Act for Registering Births, Deaths, and Marriages in England," came into operation on the 1st of July, 1837. By this Act a general registry office was provided in London, and the following general provisions were made. The annual abstract of the registers to be laid before



Parliament. A register office to be provided in each union by the guardians, and to be under the care of a superintendent-registrar. The register books to be provided by the Registrar-General for making entries of all births, deaths, and marriages in England. The registrars are authorised and required to inform themselves accurately of every birth and death which shall happen within their district. Parents and occupiers are required to give notice of births and deaths to registrars, and owners and coroners to do so in cases of foundlings and exposed dead bodies. Some person present at death, or occupier of house, to give particulars of death within eight days, and the registrar to make entries of the finding of coroners' inquests. The registrar to give certificate of death to undertaker, who shall deliver the same to the minister officiating at the grave. Superintendent-registrars are required to send certified copies of registrars to the general register office. The country is divided into registration districts according to the density of population, and in each union there is a superintendent-registrar. The registrar of births and deaths is appointed by the boards of guardians, and is always resident in the district in which he acts.

On August 7, 1854, an Act for assimilating the registration of birth and deaths in Scotland to that in England was passed. A registrar-general was appointed, and the returns are annually laid before Parliament. A registration Act was passed for Ireland in 1864. No better proof, perhaps, could be found of the value of these registration returns of death, than the little knowledge we possessed of the extent and causes of death in Ireland before the passing the Act in 1864, as compared with our knowledge of these subjects in England and Scotland. No sooner had the returns been regularly made than it was at once seen, that with regard to death, no better source of information with regard to the healthiness and unhealthiness of particular districts could be found. It was on these returns that all future sanitary legislation was founded. The success of this great national scheme of registration is in a great measure due to the admirable manner in which it was worked, and great credit is due to the present Registrar-General, Major-General Graham, and his indefatigable and profoundly scientific assistant, Dr. William Farr. The General Registering Office has not alone been satisfied with collecting and arranging the vast mass of facts which have been placed in their hands, but they have accompanied their annual and quarterly reports with remarks upon the health and mortality of the community, which have led to most important results. Dr. Farr's special reports have been written with a scientific accuracy and precision dependent on the multitude of his facts, and which combined with the force

and vivacity of his language, have given them an immense influence on the progress of sanitary reform. In one of his last reports, published in 1866, he has drawn attention to the necessity of further improvements, more especially in rendering the registration of births compulsory, the registration of still-born children, and requiring a more stringent medical certificate.

Recent sanitary legislation and public health Acts in England, may be more especially traced to the impression produced on the public mind by the advent of epidemic cholera in this country in 1831. When this fearful pestilence had swept over the country, and men had had time to reflect on its causes and consequences, it was clearly perceived that a relation existed between removable physical causes and this dire disease. Several philanthropic and active medical and public men deemed it a favourable opportunity of impressing on the Government the necessity of sanitary legislation.

On the 14th March, 1838, the Poor Law Commissioners presented to Lord John Russell an Appendix to their Fourth Annual Report, to which is added two supplements—one by Drs. Arnott and Kay, the other by the late Dr. Southwood Smith. These reports contain a vast amount of information, furnished principally by the medical officers of the various unions of the metropolis, upon the prevalence of certain physical causes of fever, sickness, and mortality to which the poor are particularly exposed, and which are capable of removal by proper sanitary regulations. In the Fifth Annual Report of the Poor Law Commissioner is added an Appendix (C) No. 2, written by Dr. Southwood Smith, which is a report on the prevalence of fever in twenty of the metropolitan unions during the year ending 20th March, 1838. It was the very great extent of the prevalence of typhus fever in the year 1838 that alarmed the public mind, and most probably was the cause of the valuable reports above alluded to. In May, 1838, Mr. Liddle wrote a letter to the Poor Law Commissioners, drawing attention to the prevalence of fever in the Whitechapel district, and to the wretched condition of the residences of the poor. These documents embodied a melancholy account of the sufferings of many of the working classes in London, from causes over which they themselves had but little control, but which are removable by legislative enactments. In August, 1838, Lord John Russell (then Secretary of State for the Home Department) addressed a letter to the Poor Law Board, desiring inquiry to be made as to the extent to which causes of disease stated in the appendices to the 4th and 5th of their annual reports, may be found to prevail among the labouring classes. In March, 1840, a select Com



nittee of the House of Commons was appointed "to inquire into the circumstances affecting the health of the inhabitants of large towns and populous districts, with a view to improved sanitary regulations for their benefit." This committee, which sat between two and three months, examined upwards of forty witnesses from different towns in England, and in their report they state that sanitary regulations in many of the principal towns of the realm are most imperfect and neglected, and that hence result great evils, *suffering*, and expense to large bodies of the community." In July, 1843, the general report of the sanitary condition of the labouring population of Great Britain was laid before Parliament. This report was compiled by Mr. Chadwick, who was then Secretary of the Poor Law Commission. It was ordered to be printed by the House of Commons.

Shortly after the appearance of this work, a Commission was appointed by her Majesty to inquire into the present state of large towns and populous districts in England and Wales, with reference to "the causes of disease among the inhabitants; the best means of promoting and securing the public health, under the operation of the laws now in force, and the usages at present prevailing with regard to the drainage of lands; the erection, drainage, and ventilation of buildings; the supply of water," &c. The Commissioners issued their first report, consisting of two octavo volumes, containing a mass of evidence, obtained from the most competent witnesses, of the evils resulting from the want of drainage, neglect of house and street cleansing, ventilation, and imperfect supplies of water, and in the following year (1845) the Commissioners issued a second report, consisting also of two large octavo volumes, containing additional local reports, and their suggestions as to the best means of remedying the existing evils.

Shortly after the publication of the first two volumes of this report, the Marquis of Normanby moved in the House of Lords that an humble address be presented to her Majesty, to thank her Majesty for the report upon the state of large towns and populous districts, recently presented to this House by her Majesty's command, to assure her Majesty that they continue to feel a constant and active interest in the sanitary condition of the people; to express their earnest hope, that early in next session of Parliament her Majesty would be pleased to call the specific attention of Parliament to a subject of such paramount importance, and to recommend for adoption some practical measure of a comprehensive character, calculated to remedy evils of such acknowledged magnitude and proved extent. In



the year 1845, Lord Lincoln brought in a Bill to improve the sewerage and drainage of towns, founded principally on the report of the health of towns commissioners. The Marquis of Normanby also brought in a Bill for the better drainage of houses, and subsequently Lord Morpeth introduced his Health of Towns Bill. All of which Bills, owing to a powerful opposition, were withdrawn.

The Nuisances Removal Act was, however, passed, but was only a temporary measure, passed under the apprehension of renewed visitation of cholera. This disease did not reach England till 1848, and then the Nuisances Removal Act became permanent.

It was in Lord Lincoln's Bill that a clause was inserted enabling local bodies to appoint a medical officer of health. In the sketch we have given of sanitary legislation, it will be seen that special officers, more especially medical men, have been appointed to perform the duties connected with the prevention of disease; there can be little doubt that sanitary measures can only be efficiently carried out by the aid of such an officer.

It was in 1848 that the first regularly constituted medical officer of health was appointed by the City of London, and the powers vested in the Corporation by the Act, which constituted the Commission of Sewers for the City of London. It was a great gain to sanitary science that a gentleman so fully qualified to perform its duties as Mr. Simon, was appointed to this office. In the admirable reports published by the Commission from 1848 to 1853, as long as he held the office, will be found an able digest of the sanitary work performed under his direction during that period, as well as a good example of the way in which such reports should be written in order to attract the attention of the public.

Between the temporary and permanent passing of the Nuisances Removal Act, an Act of great importance, in a sanitary point of view, was passed, and this was the Baths and Wash-houses Act. By this Act vestries and local boards were empowered to erect baths and wash-houses, and to obtain funds for this purpose from public rates and funds. The poor were by this means supplied with one of the greatest necessities of large towns—water for washing purposes at a rate which enabled them to use it as extensively as their circumstances required. Upwards of twenty institutions of this kind have been established in London. The following table, drawn up for the use of the vestry of St. James's, Westminster, will give an idea of the extent to which these institutions have been employed, and the sums received for their use:

*The showing the Bathing and Washing at the Establishments in London, which are conducted under or in accordance with the Acts 9 and 10 Vict., cap. 74, and 10 and 11 Vict., cap. 61, for the Year 1858.*

Number of Baths taken.	Number of times Women have availed themselves of the Wash-houses.	Name and Title of the Establishment.	Receipts from Bathers.	Receipts from Washers.	Gross Receipts.
			£	£	£
700	58,042	St. George and St. Giles, Bloomsbury.....	2,423 2 11	1,132 7 9	3,555 10 8
381	24,045	St. Marylebone.....	1,883 4 8	631 12 1½	2,514 16 9½
693	38,680	Goulston-square, White-chapel.....	1,672 0 0	771 0 0	2,443 0 0
133	40,900	St. James, Westminster...	1,150 1 10½	899 6 2½	2,049 8 1
471	24,577	St. Martin-in-the-Fields...	1,507 8 8	434 17 1	1,942 5 9
524	27,063	Bermondsey.....	1,232 3 6	707 3 11½	1,939 7 5½
023	48,795	St. Margaret and St. John, Westminster.....	830 0 4	988 12 11	1,818 13 3
882	27,424	St. George, Hanover-square, Belgrave-place.....	1,069 13 0	738 7 10	1,808 0 10
943	22,503	St. George, Davies-street, Oxford-street.....	1,097 6 1	627 9 4	1,724 15 5
291	9,449	All-Saints, Poplar.....	504 11 4	333 6 8	837 18 0
1,041	321,474	Totals.....	13,369 12 4	7,264 3 10½	20,633 16 2

We may notice that the general conviction of the necessity of sanitary measures increased, and led to the introduction of powers for making provision for public health into Acts which otherwise might have passed without these provisions. Among the Consolidation Acts of 1847 was the Towns Improvement Clauses Act, many of the provisions of which have since been embodied in other Acts, and which contain a variety of clauses relating to the sanitary question. The great Act, however, which forms the most distinguishing feature of the sanitary legislation of England, is the Public Health Act, which was passed in 1848. By this Act a General Board of Health was constituted, at the head of which was a president appointed by the Government. Under this Act power was given to local authorities to construct public works of various kinds, but more especially for improving the drainage and water supply. Since the passing of this Act, between two and three hundred towns have placed themselves under its provisions. These towns contain populations varying from 500 to 200,000. These are exclusive of places which have put in force various sanitary regulations under powers given them by local acts. The expenditure upon the works thus executed has been calculated to be not less than 3,500,000*l.* Although this statement shows that a vast amount of sanitary activity has been called forth by the public health, it nevertheless gives but an imperfect idea of the indirect benefits which have resulted by the fixing public attention on the importance of the prevention of disease and death. The diminution of the

mortality consequent upon the introduction of sanitary improvements in some of the towns of England will be seen from the following table:—

Names of Towns.	Death Rate in 1000.		Number of Lives saved in 1000 per annum
	Before Sanitary Measures.	After Sanitary Measures.	
Alnwick.....	35.2	28.3	6.9
Barnard Castle.....	33.3	25.9	7.4
Berwick.....	28.5	21.2	7.3
Bangor.....	35.1	30.9	4.2
Durham.....	26.0	22.7	3.3
Ely.....	25.6	19.3	6.3
Salisbury. ....	32.2	27.0	5.2
St. Thomas's.....	26.9	23.0	3.9

It must not, however, be supposed that anything like a perfect system of public sanitary exertion exists even in the improved towns; and a large number of small towns and villages exist where the prevalence of fever and the high mortality indicate that little or nothing has been done for the improvement of the public health.

After ten years of successful operation, the Public Health Act was repealed in 1858, and the General Board of Health abolished. This arose partly from the nature of its operations being misunderstood, and partly from the activity of the Board offending those who wished things to remain as they were, or wished to act for themselves. The Board of Health was really a board of works; and as they repudiated interfering actively in matters relating exclusively to hygienic arrangements, the name misled. The powers, however, granted under this Act are still continued by the operation of the Local Government Act, and are to be exercised by local bodies, and no cessation of the benefits of previous legislation is contemplated.

It was, however, considered necessary to give to some central body power to act in cases where disease reached a certain amount of fatality, or where fevers or other contagious diseases broke out with great violence; and a new "Public Health Act" was passed in 1858, which placed this power in the hands of the Privy Council. To this office is now given the power possessed by the General Board of Health under the Act of 1848 and subsequent Acts. This Act, which was originally passed for one year, was made permanent in 1859.

In 1855, the Nuisances Removal Acts of 1848 and 1849 were



repealed on account of their deficiencies, and a new Act, with the old title of "Nuisances Removal and Diseases Prevention Act," was passed. This Act, which is now in force, gives a general definition of "nuisances," which are embraced under four heads :

1. "Any premises in such a state as to be a nuisance, or injurious to health."

This comprehends all those causes of disease which may attach to the size, structure, or condition of the interior of dwelling-houses. It frequently happens that the houses or parts of houses inhabited by the poor, are, in point of size, altogether incommensurate with the demands of health for those who inhabit them. One of the greatest evils in our large towns is the tendency of the poorer classes to crowd together in small rooms. In London, the medical officers and magistrates have generally agreed that separate rooms in which a family dwells, should have at least 600 cubic feet for each individual. This is sometimes modified, and 500 cubic feet are required for adults, and 300 cubic feet for children. This regulation has acted most beneficially, and might be applied with great advantage in country districts where the poor in villages are often excessively overcrowded. Even where premises are of proper size, they are frequently so constructed as to prevent a due supply of fresh air, and thus become sources of disease. This clause gives to the medical officer or the sanitary spectator power to direct that proper openings should be made for ventilation. It often happens that there are windows in rooms which do not open at all, or if they open, only from a lower sash. Such windows can be directed to be changed in their construction, so that they will allow of a proper ventilation of the room. On the other hand, rooms may be so deficient in their structure, or so dilapidated, that the inhabitants are exposed to the action of both currents of air, and the access of water. Again, premises may become injurious to health by the accumulation of filth and dirt about them. Under these circumstances, orders may be issued for the cleansing such rooms. Under this clause the landlord is compelled to whitewash and cleanse the walls of areas, passages, staircases, and rooms which are in a filthy condition. A defective or impure supply of water rendering premises unhealthy, may also be regarded as a nuisance under this definition.

2. "Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ash-pit so foul to be a nuisance, or injurious to health."

This section comprehends all those arrangements generally placed outside or under the house, which are used for depositing or getting rid of the animal and vegetable refuse of the house. Wherever deposits of organic matter exist in ponds, pools, ditches,

or gutters near houses, they may give rise to malarious and other poisons which will injure the health of those who inhale them. The "privy," both in towns and villages, is often a foul and noisome depository, seldom emptied and never disinfected, which may constantly, by the permeation of its contents, give rise to diphtheria, typhoid fever, and other diseases. The public "urinal" is often so constructed as to be an offence to decency, and a source of disease from the noisome vapours given off from the decomposition of the urea and other organic products of the urine. "Cesspools" abound in every city and town in the kingdom, and, wherever they are near dwelling-places, they should be emptied and filled up. Their existence at all near houses where they are used must be regarded as a nuisance. "Drains" are injurious to health whenever the whole of their contents are not carried away. This is especially the case when they run under houses, and they are constantly exposed to dilapidation and the arrest of their contents when imperfectly constructed. The "ash-pit," or "dust-bin," is frequently the depository of animal and vegetable refuse, and require the same attention as drains, gutters, and ditches.

3. "Any animal so kept as to be a nuisance or injurious to health

This section applies to the keeping of all domestic animals, in such a manner that their excretions are allowed to accumulate to an offensive or dangerous extent. Horses, cows, dogs, poultry are the most common sources of nuisance, and may either be removed altogether when kept in improper places, or the owners may be compelled to adopt such measures as shall render them incapable of becoming sources of injury or disease.

4. "Any accumulation or deposit which is a nuisance injurious to health."

This section contemplates more especially those accumulations or deposits which are connected with businesses or manufactures, in which animal or vegetable matter becomes a refuse. In the Act, this section is accompanied with the proviso, that, should it appear to the satisfaction of the justices that the accumulation or deposit has not been kept longer than is necessary for the purposes of such business or manufacture, and that the best available means have been taken for protecting the public from injury to health thereby, that the parties producing the nuisance shall not be liable to proceedings.

Under this Act the local authorities can give notices for the removal of any nuisance; and if this is not attended to, a summons can be issued, and the offending parties brought before a magistrate. In certain cases also, where works are necessary to be done, the local bodies can do the work, and charge the person



on whose premises the nuisance has existed. The duties of a medical officer of health and of a sanitary officer are also recognised; and these officers have power given them to inspect premises in cases where they suspect a nuisance to exist. The medical officers of health and sanitary inspectors have also powers given them under this Act to inspect all articles of food exposed for sale which are suspected to be unfit for use as human food, and to seize the same, and bring the offender before the magistrate, who has power to inflict a fine upon the owner of the provisions thus seized.

A clause also, in the same Act, gives power to the sanitary officers to inspect the premises of persons carrying on offensive and noxious trades, and to point out the best means of preventing any injurious influence being exercised upon the neighbourhood, and of appealing to the magistrate if their suggestions are not carried into effect.

This Act also contemplates the suppression of the unhealthy practice of dwelling in cellars or kitchens, and defines the conditions on which any room under the ground shall be allowed to be let as a residence. This Act, though occasionally found too slow in its operations to remove an immediate and pressing cause of disease, has been found one of the most effectual of the various measures of English sanitary legislation for the permanent improvement of the health of towns. When it is considered that it deals with all those small causes of disease which are so constantly occurring in a civilised community, it is wonderful that its provisions are not more generally enforced. In any town or country district it would only be an act of benevolence on the part of the clergyman, the magistrate, the lawyer, or the medical man, to insist on its provisions being carried out in all cases where the manifest causes of disease exist.

Important as have been the results achieved by this legislation, it has been found, in many cases, entirely inoperative. The execution of these laws have been left in the hands of magistrates and vestries, who, themselves ignorant of the principles on which it has been founded, and sceptical of the good to be done, and certain of the expense, have turned a deaf ear to all applications for the enforcement of the provisions made in these Acts. There are towns in England, whose mortality is from 25 to 40 in the 1000 which might be immediately reduced to from 15 to 20 in the 1000, which steadily refuse to avail themselves of the provisions of the Public Health Act. The Nuisances Removal Act gives a ready power to magistrates in the country to scour our villages of the filth, and dirt, and sanitary neglect, which make them the ready prey of scrofula, typhus, and other contagious diseases; but this has not been done. Quickened once more by



the presence of cholera in our towns, our Legislature has, with a haste and rapidity which contrast strangely with its deliberations on less important matters, passed, in 1866, an Act, called "the Sanitary Act, 1866." The first part of this Act gives more power to the authorities called into action by the Sewage Utilisation Act of 1865. By these Acts greater powers are given to authorities to deal with the sewage of towns and the drainage of towns than had hitherto existed.

The second part of the Sanitary Act consists of an amendment of the Nuisances Removal Acts.

" 19. The word 'nuisances' under the Nuisance Removal Acts shall include,

" 1. Any house or part of a house so overcrowded as to be dangerous or prejudicial to the health of the inmates.

" 2. Any factory, workshop, or workplace not already under the operation of any general Act for the regulation of factories or bakehouses, not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or so overcrowded while work is carried on as to be dangerous or prejudicial to the health of those employed therein.

" 3. Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used in such fireplace or furnace, and is used within the district of a nuisance authority for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufactory or trade process whatsoever.

" Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance."

The 28th clause is a valuable addition to our sanitary legislation, and enables persons to deal with a nuisance of a very painful kind :

" Any nuisance authority may provide a proper place (otherwise than at a workhouse or at a mortuary house as lastly hereinbefore provided for) for the reception of dead bodies for and during the time required to conduct any *post-mortem* examination ordered by the coroner of the district or other constituted authority, and may make such regulations as they may deem fit for the maintenance, support, and management of such place; and where any such place has been provided, any coroner or other constituted authority may order the removal of the body for carrying out such *post-mortem* examination and the re-removal of such body, such costs of removal and re-removal to be paid in the same manner and out of the same fund as the cost and fees for *post-mortem* examinations when ordered by the coroner."

The third part of this Act, entitled "Miscellaneous," gives powers to her Majesty's Secretary of State for the Home Depa-

ment of the most important kind. The interference on his part, however, depends on information. It is, however, to be hoped, in all cases of sanitary neglect, that individuals may be found with sufficient energy to complain to the Secretary of State. The 35th clause provides that any city or town containing not less than 5000 inhabitants, may be compelled by an order from the Secretary of State to make regulations for the following matters :

- "1. For fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family.
- "2. For the registration of houses thus let or occupied in lodgings.
- "3. For the inspection of such houses, and the keeping the same in a cleanly and wholesome state.
- "4. For enforcing therein the provision of privy accommodation and other appliances and means of cleanliness in proportion to the number of lodgings and occupiers, and the cleansing and ventilation of the common passages and staircases.
- "5. For the cleansing and lime-whiting at stated times of such premises."

Such regulations to be enforced by penalties. The 49th clause also gives most important power to the Secretary of State :

"Where complaint is made to one of Her Majesty's principal Secretaries of State that a sewer authority or local board of health has made default in providing its district with sufficient sewers, or in the maintenance of existing sewers, or in providing its district with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a nuisance authority has made default in enforcing the provisions of the Nuisance Removal Acts, or that a Local Board has made default in enforcing the provisions of the Local Government Act, the said Secretary of State, if satisfied after due enquiry made by him that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of its duty in the matter of such complaint; and if such duty is not performed by the time limited in the order, the said Secretary of State shall appoint some person to perform the same, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, shall amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such costs and expenses may be reviewed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such court."

A fourth part adapts the application of the law to Ireland. There is no doubt that this Act gives greater powers to local



authorities, and more facility for proceeding, than previous Acts. It remains to be seen whether action will be taken under its clauses. What is really wanted in our country is an intelligent community to take an interest in matters relating to public health. Our present sanitary defects are all more or less traceable to the culpable practice of omitting from our systems of education an inculcation of a knowledge of those laws by which God governs the life and health of man. These laws have been ignored and trodden under foot alike by the so-called educated and refined as by the ignorant masses, and the consequences have been the dire judgments of the Almighty in the form of poverty, pestilence, and death.

## BRIEF SANITARY NOTES FROM PRACTICAL EXPERIENCE, MORE ESPECIALLY IN REFERENCE TO CHOLERA.

BY ASSISTANT-SURGEON JOSEPH J. POPE, MEDICAL STAFF.

THAT epidemic cholera has once more visited our shores and seized upon numerous victims, in spite of all the advancement we have made in sanitary and epidemiologic knowledge, is now patent to any ordinary observer, and this fact should certainly incite us as a nation to act more resolutely and to advocate strenuously not only a system of "State medicine," but also for an enlightened and progressive code of sanitary legislation. The interesting paper by Dr. Lankester in a late number of the *Journal of Social Science*, so conclusively proves the advance that our Continental neighbours have made in these matters, and the lethargy which has characterised our own country (for, as far back as 1518, in Germany, a "medical officer of health" existed, and was considered a general benefit, and in 1350 there was a sanitary police in Paris), that we fall in feeling that astonishment which we should otherwise do at the opposition to, and disregard of, the opinions and advice of our present sanitarians by the local governments of the day. To any casual reader, the letter from the Rev. Harry Jones, in reference to the re-opening of the Broad-street pump and the consequent dissemination of poison amongst a numerous and susceptible population, would appear a mere historical incident; but, under existing circumstances, and looked at with our present amount of scientific and practical experience, it becomes a lamentable instance of warnings neglected, and an example of our obtuseness and imbecility. That incident alone should be



efficient to point out how necessary it is that individual authority in matters of vital importance should disappear, and legislation of a certain and advanced nature rule in its place.

The questions by the Earl Fortescue, in the House of Lords, on Friday, August 3, touching sanitary reform in the army, were not without their importance; and although it must be admitted that the greatest advancement and the largest attention to these matters are visible in the present condition of the English soldier, it cannot be denied that much more is necessary, and that, unless energetic measures are adopted, our affairs will be far from a corresponding condition to those of our neighbours, who should not be able to excel us in sanitary arrangements.

The medical profession have struggled long to point out the benefits and advantages of a closer attention to these matters, and the Earl of Longford was perfectly just when he said that the Army Medical Department were "keeping pace with medical knowledge at home and abroad." The failing point has been the reception that has been given to the suggestions of sanitarians, and the inattention, supineness, and, in some instances, direct opposition that have characterised present authorities. Confer upon our advisers the power of action, and but little need would there be for complaint or unfavourable comparison with the condition of our Continental neighbours in sanitary matters. It is not our knowledge that is defective—it is the *executive* that fails in making use of the information possessed.

The presence of the epidemic of cholera amongst us is of such serious import, however, and comes so closely home to us, that it behoves every one to be up and stirring, and places any who have had experience of the character, cause, or treatment of the disease under an obligation to add their mite to the general fund of information on the subject. It is this feeling that leads the author of this short paper to place on record what he knows, and the observations he had the opportunity of making during a four years' residence in India, and from an acquaintance with the disease on more than one occasion.

The numerous articles and papers that have flooded the various periodicals within the past few weeks must have completely puzzled the general reader, and a more extraordinary collection of opposite views and opinions could hardly be found on one subject. This fact alone would prove how true it is that a satisfactory theory of the cause of cholera is still wanting. That it is produced by a *special* poison, ample evidence to my mind exists; not only does it seem to establish for itself a locality, but it proceeds in its onward course independent of, though to some

degree associated with, certain influences. True it is that bad water, human intercourse, and foul air are the principal methods by which the disease travels, and conditions amongst which it increases and, as it were, ferments; but those who have seen the disorder "in its home," as Dr. Macpherson very pointedly puts it, will have recognised instances where no evident cause existed, and yet where the poison fixed upon one or more victims indiscriminately. The outbreak of cholera amongst the artillery at Mhow in May, 1864, comes to my mind as a case forcibly illustrating my meaning. Without any overcrowding or unusual condition of the men, two soldiers were seized within a few hours of each other at opposite sides of the room, separated by several other men, and having a direct current of air from open doors between them. Throughout the day, other cases occurred in the various portions of the barracks, but no more in the room where the outbreak first appeared. Again, the certain cessation that is always produced by moving away from the spot where the disease first appears marks its individuality and its localisation. The battery that was attacked with cholera at Baroda, 1865, only marched out of the station for *three miles*, and no new fresh case was admitted to hospital after they left the cantonment. Further, it was curiously shown in the lamentable Mhow march how an entire district may be infected, and bounded round with a line of demarcation. The farther the battery marched from Mhow, the more virulent became the epidemic, but when the road was retraversed, cases gradually diminished in number and severity, and within four miles of the seat of the original outbreak they ceased altogether. These facts, to my mind, point conclusively to not only the justice of the "special poison" theory, but also the truth of the preventive doctrine, and afford strong evidence of the possibility, nay, almost certainty, of regulating the appearance and spread of this epidemic by special sanitary regulations.

Cholera is essentially a disease of crowds, and this is now acknowledged, I believe, by all. In my short experience, I have seen half a dozen instances of the epidemic arising from the foolish pilgrimages that are still permitted in India, and the attention of the Government would be well bestowed in that direction. The freedom of religious thought is of course a glorious fact in our constitution, but when life is jeopardised by observances, carried out without any regard to science and known sanitary laws, it should be regulated, if not entirely suspended.

The question as to the communicability of the poison is one that raises many doubts, and forms a groundwork for discussions having important results on both sides. During the severe outbreak



of cholera to the native city of Indore, in 1864, I noticed that attacks of the disease were very unfrequent amongst the class of men and women whose duties brought them into immediate relation with the sick. The "*bhungies*," or caste whose work is cleansing and removing excreta merely, suffered but very little from attacks of the disease, and in more than one instance, when they received the poison, it seemed to be but in small quantity, and recoveries were numerous amongst them. As a class they are not cleanly, and being engaged in hourly and continued contact with what has always been considered the very poison itself—vomit and excreta—it is, to say the least, a curious fact tending somewhat to shake the doctrine of contagion.

Dr. Macpherson's remarks on the effect of season and climate, more especially in India, are remarkably true; and there can be no doubt but that rain in copious quantities cuts short the progress of the epidemic sooner than any other condition. This I would ascribe, however, rather to the general sanitary effect of a mass of water than to any special influence on the poison itself. During the life of the late Surgeon-Major Cameron, Royal Horse Artillery, I witnessed the effect of his energy and indefatigable zeal in this portion of sanitary reform. The barracks, hospital, and surrounding ground at Kirkee were rigidly cleansed and daily inspected, and the Doctor went into the surrounding country, and for a circle of eight or ten miles superintended the cleansing and clearing of the smaller villages. His efforts were well rewarded, for not a single death occurred in the regiment; and although around, cases of cholera were alarmingly numerous and fatal, the charmed circle of cleansed ground was not invaded, and the sanitary fortress effectually repelled the advances of this most dangerous enemy.

I know that the idea is held by some that cholera poison cannot continue its ravages if it exist in a moist state; decomposition rapidly ensuing, and the virulence of the disease is checked. To some extent this may be correct, and doubtless much of the malignancy of the Indian variety of the disorder is due to the dryness of the climate, which favours the dissemination of the poison-germ; but yet instances are not wanting where, even during the rainy season, the epidemic has continued, and it is only fair to admit that preventive sanitary measures, such as cleanliness and free circulation of air, are infinitely more certain than the mere dilution or alteration of the poison itself. Remove the *nidus*, and the poison will leave the locality. In no disorder have I seen such plain and satisfactory results from attention to sanitary matters as in epidemic cholera.

Sporadic cases of cholera are looked upon by the inhabitants of India as necessary and unavoidable, and frequently I have



seen their presence disregarded until they became so numerous as almost to constitute what is pleased to be called an "epidemic." I cannot see the difference between *sporadic* and *epidemic* disease, excepting in their intensity, and I can but believe that the latter is consequent in almost all instances on the remissness with which the former has been noticed. That local *atmospheric* influences have much to do with the virulence and appearance of the epidemic form of cholera, I have no reason to doubt, and perhaps there is no more valuable test in this way, that can easily be obtained, than the excess or diminution of "ozone" in the air. I am well aware that this point has suffered lately in its reliability, but my personal experience and experiments lead me to state, that a very distinct and unmistakeable diminution of *some* ingredient which affects the ordinary paper test for ozone has preceded in one case a severe outbreak, and in another a temporary appearance of cholera in India. Whether it can be looked upon as a mere coincidence or not, I am not prepared to argue for want of sufficient data, but this I observed as a fact. During a short residence at a hill station in 1865, which was always looked upon as free from cholera poison, I was particularly struck with the sudden and yet continued diminution of the effect of the atmosphere on the ordinary ozone test paper, and on the second or third day of its existence a case of true Asiatic cholera was reported, visited, and, unfortunately, ended fatally. As only one case came before me, I was loth to associate it with the condition of atmosphere I had noted.

Dr. Cook, who has, however, formed a report on the subject of "Ozone" for the Bombay Government, informed me, when I drew his attention to the fact I had just related, that he had frequently noticed the relation between an outbreak of cholera and this apparent deficiency of ozone. He said he was riding on one occasion away from the station of Ahmednuggur, having left his wife resident there, and he was struck by the slight influence the atmosphere was exerting on the portion of test paper he carried in his hat. So important did he consider this phenomenon that he sent a messenger to warn his wife, and to request her to leave the station. In three days cholera broke out with great virulence, and raged in and around the cantonment for some period. Mr. Glaisher has also stated that in the three visitations he has investigated there was a total absence of ozone. The value of these observations is of course more in the way of prevention than of treatment, though it naturally suggests the thought of trying the effect that would be produced by supplying the deficient principle through some of our present combinations, as, for instance, the "*permanganates*."

Dr. Pettenkoffer, of Munich, many years ago endeavoured to

introduce this theory of "two factors for the perfection of the cholera poison," and from that time it has received supporters, and certainly occupies now the most important position. It is a very satisfactory belief that, however, pernicious and unwholesome the surroundings may be, cholera cannot be generated *per se*; but, on the other hand, it is well to remember that, although cholera poison may be present, with the exception of here and there a case, no epidemic character can be conferred upon the disease without a congenial residence and fermenting ground is provided. It becomes therefore a matter entirely under our own control, and we do not either individually or as a nation sufficiently realise the responsibility. To be a fatalist in connexion with this disease is to be ignorant of all scientific and practical truths in reference to it, and in no country can this be so painfully witnessed as in India. When the epidemic had raged some time in the native bazaar of Indore, means were adopted for isolating the cases, and measures suggested for remedying the overcrowding of the small unventilated houses of that country.

The disease was checked as certainly and as suddenly as these evils were removed, and it was hoped that no more cases would recur. A number of Brahmins of influential position were annoyed at being separated from their fellows, and formed a deputation to the Political Agent, who, in deference to their views, made an exception in their case. Within forty-eight hours of their return to their houses, cholera again appeared amongst them, and carried off the majority of those who had thus invited company.

That water is one of the principal sources by which the poison circulated and received into the system, the experiments of Dr. Snow, and the report on the Broad-street pump, which has been referred to lately, are ample and sufficient proof; but I could even go farther than most in this matter, for, from observation and experience, I am inclined to believe that the drinking of impure water, more especially if those impurities be organic, renders a person highly susceptible to the attack of the cholera poison, and the injury is independent of the presence of the poison itself, which may be communicated from entirely a different source, but, finding a suitable reception in the altered condition of the person who has been affected by the decomposing matter in the water, it produces its characteristic results. For this reason I would recommend constant supervision over the supplies of drinking water. It is not enough to merely purify for a time, or during the prevalence of an epidemic. The evil results are already present from the former use of the water. Should there be a well or spring that has been discovered to be



impure, it should be at once and *for ever* closed. The temporary removal of a pump-handle is not security enough; nothing short of total annihilation should be permitted. Whether cholera is associated with water or not, is not, after all, the main consideration. It is thoroughly established that certain impurities in water are detrimental to health, and that should be a sufficient ground for preventing its further use or supply.

The analysis of the river water which the inhabitants at Kirkee, and most of those in Poona, were being supplied with gave a percentage alarmingly high, and even at the best time of the year showed the presence of 4.97 grains of organic matter in a gallon. There can be no surprise, therefore, that cholera found numerous constitutions ready to receive its poison, and find in every way to augment its effect.

In looking at the sanitary points in connexion with cholera it is well, I imagine, to divide them into collective and individual. For the one, society as a body is answerable; for the other, each person is accountable. Each division is equally important, and should be regulated by firm and just laws. It is a case in which the freedom of the individual must be sunk in the public good, and where the State can step in and assume the despot, with not only credit to itself, but lasting advantage to the people.

Intemperance and general habits of irregularity seemed to predispose men to the attacks of the disease. This I saw frequently to be the case, and in more instances than one a mental depression, either from fear or other nervous causes, ensured its appearance. The main points of sanitary interest are now, believe, well known, and isolation of cases, extreme cleanliness and thorough ventilation, will do much to check and stamp out the epidemic, more especially if united with individual efforts and hygienic reform.

Cholera is not a disease for *treatment* or *cure*; it is one that must be *prevented* and *stopped*. It is quite useless, from my observations, to attempt to influence any *patient* suffering from the disorder; like a fire that is rapidly spreading—attend to the surrounding property, and let not the water be wasted on the building itself. If once the premonitory stage, which, as Professor Maclean justly says, is *universally present*, is passed unnoticed or untreated, then, indeed, does it become a matter of mere constitutional strength and individual vigour. Often did I recal the observations Dr. Maclean made to the students in the Army Medical School, myself amongst the number,—“It is a disease in which nature wants *good support*, and not *vile goading*.” In short, the best remedy for cholera is ‘*good nursing*.’”

Throughout my short Indian experience every description of



remedy came before me, and none were decisively successful. I recollect a brother assistant-surgeon telling me how very fortunate he had been with alkaline drinks and large doses of the strong solution of ammonia. Certainly his cases compared favourably with mine, and I was inclined to believe that much of his success was due to medicine. Another burst of the epidemic occurred, and his fatal results far outbalanced any previous experience. Then, indeed, had he to acknowledge that cholera was not to be tamed; it was merely to be chained forcibly down, and kept under by rigid hygienic measures. Each epidemic, and each case in the epidemic, presented some variety of symptom or effect, and generalisations, specifics, and wholesale remedies are myths, and highly dangerous doctrines and practice.

The remarks in the *Lancet* of August 4th are well worthy of notice and serious consideration. Drugs are indeed futile: "ill-regulated, haphazard treatment" cannot be too strongly condemned, and well may an intelligent profession "protest against the employment of measures which seem to be directed against disease as though it were a conscious enemy to be driven, washed, frightened, or poisoned out of the body."

I am aware that the pages of this periodical are, perhaps, not the exact place for such discussions; but I must beg to be allowed to bear my testimony to the soundness and thoroughly efficient character of the advice and treatment given and followed out by Professor Maclean. To those who feel an interest in such matters I would say—Read that physician's lectures published in the *Lancet*, and I am certain a more sensible or effectual course could not be recommended. From my own observation and truly practical experience, I would endorse all that he says.

But, in conclusion, this very difficulty in determining upon the right course for the treatment of cholera, only throws a greater responsibility upon those who recognise and advocate the preventive theory. An old proverb has it, "*that which can't be cured must be endured*," but such a fatal maxim as that cannot be too soon expunged from our philosophy.

Our medical officers of health have much more responsibility than they seem to recognise in their several appointments. Our Government has a duty to its people that cannot be too strongly insisted upon, and individuals are answerable, in many instances, for much of the present existence of epidemic disease.

I am not at all certain but that the prevalence of cholera, as with other preventible diseases, comes under the cognizance of the coroners appointed by Government to investigate the causes of death, and it has always struck me as an unwarrantable curtailment of this all-important and certainly pre-eminently useful office, that public and in some instances professional interference

and opposition have confined the coroners' duties to such a narrow limit. True it is that the law is on the side of the coroner in these matters; but there are obstacles in his way, and instead of that free and thorough investigation which to my mind should follow the appearance of any epidemic, we frequently find a desire to smother evidence and to conceal cases which would prove of the greatest public importance.

And this view of the duties of the coroners' court puts the appointment of a medical coroner as a *sine quâ non*. I feel that I must not, however, digress from the subject of sanitary arrangements, as being essentially necessary in the present period.

The united voice of so many of our educated and scientific men must have some influence on those in authority, and sooner or later the advantages to be derived from a regularly devised system of State medicine must be recognised. As time goes on, it will undoubtedly be acknowledged that a thorough sanitary legislation is as necessary to the well-being and physical health of mankind as an army is to our national position, or a police force to the maintenance of order and protection of property.

*In futuribus*, doubtless, there will be that attention paid to these subjects that they so well merit, and I can well imagine ere long that the Government and people of this enlightened country will recognise the advantages of hygienic reform, even to the appointment of a "Minister of Health," and the adoption of certain laws and special penalties.

Surely if for our relation with foreign powers, for our protection at home, and for our direction in war, we can see the necessity for a high Governmental official on matters so important and coming so closely into relation with our individual and daily life we cannot much longer remain in ignorance of the fact, that perfect organisation and distinct authority are urgently required. The subjects are too serious to be divided amongst existing authorities. Sanitary police and State medicine must form an independent portion of our Government. When such a happy result is attained, we may hope to see disease lessened, epidemic rare, mortality decreased, and general health and longevity re-established.

Every Englishman who values his home and his country should bestir himself to attain such a beneficial and advanced condition of affairs. Once let the full force of hygienic science be acknowledged, and a very different condition of individual and social existence must necessarily follow, to the present advantage of our own country and the ultimate blessing of surrounding nations.

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## THE LATE SIR CHARLES HASTINGS.

**T**HERE are few men to whom Social Science is more indebted than to the late Sir Charles Hastings. Not only was he the founder of that great combination of medical men which has effected so much for the interests of the medical profession, and which is known as the British Medical Association, but to his influence upon his son, Mr. George W. Hastings, may be fairly traced the origin and development of that wider union of those who take an interest in the advancement of the social interests of mankind, and which has resulted in the establishment of the National Association for the Advancement of Social Science. It is seldom in the history of society that institutions exercising so important an influence on the thought and action of a country can be traced so clearly to individual action. Although Sir Charles Hastings had attained the venerable age of seventy-two, he has been removed from amongst us suddenly and unexpectedly, and few who were personally acquainted with him but must have felt that up to within the last few months he retained all the bodily activity and mental vigour that enabled him to exercise his remarkable influence over those with whom he came in contact. In 1864 he was President of the Health Department of the meeting of the Social Science Association at York, and delivered an address, which was distinguished at once for its eloquence, and the firm mental grasp of the great facts and principles involved in the question of public health. Till within a few weeks of his death, he exercised the functions of Treasurer and President of the Council of the British Medical Association with the same vigour and careful appreciation of all the details of these important offices which had characterised him in his earliest days, before he had yet impressed the medical profession that the society he had founded was of vital importance to their interest in the State. Those who knew him intimately, acted with him in the performance of these important duties, never saw that the influence of age was felt by their leader, and fondly hoped, if they thought of his years, that a longer span of life than ordinary would be granted to one whose objects in life were so evidently directed to the welfare of others. Nor was this hope without some foundation. Sir Charles Hastings was the son of a clergyman of the Established Church, who lived to the patriarchal age of one hundred years. At the time of the birth of Sir Charles, who was his second son, and



which took place at Ludlow, the 11th of January, 1794, he was rector of Bitterley, a village near to the latter place. His father having removed to Martley, Sir Charles received his early education at the grammar school of that place. In 1810 he became a pupil of a firm of eminent surgeons at Newport. He afterwards attended lectures in London, and in 1812, before receiving any medical diploma, was appointed House Surgeon to the County Infirmary at Worcester. Here he remained three years, availing himself of the means which a great hospital affords of becoming acquainted with disease, and it is recorded of him that he took every opportunity of studying morbid anatomy by making *post-mortem* examinations. In 1815 he entered as a student at the University of Edinburgh. In his career as a medical student, it is not so much his diligence as a clinical clerk, or as an attendant upon lectures, that his biographer has to chronicle, as the fact that when the microscope was unknown in Great Britain as an instrument of medical research, there was one mind that appreciated its importance, there was one energetic youth who dared to spend his nights and mornings in making observations by its aid, and that was young Hastings. This part of Sir Charles's career has not, we think, been sufficiently dwelt upon by his biographers. It is true that in after life, the demands of active practice, and the public spirit which led him to seek to influence the social and political position of his profession, prevented his pursuing his researches with the microscope; but in the history of the application of that instrument to physiological research, the name of Sir Charles Hastings must be indissolubly connected. His papers on the irritability of the capillary vessels, and on the nature of the force which produces their contractility, were the first that could claim to have discussed these subjects on the ground of observation. There had been theory enough on this subject at the university in which Hastings wrote, and men who never saw the capillaries accepted the proof of their existence on the testimony of Malpighi, and discussed their functions and the influence on the production of disease; but to him was due the merit of having first observed the structure and nature of capillary vessels, before attempting to construct any theory of their action on disease. It is not to be wondered at that his statements of facts were regarded as unimportant, and his deductions from them as chimeras. This is the way in which all discoveries have been met. In this instance young Hastings displayed the true spirit of the philosopher; he insisted on the truthfulness of his observations, and challenged those who opposed them to show their fallaciousness. Though alone in his employment of the microscope, his honesty and courage gained for him the esteem of his

fellow-students, and he was recognised as the best man of his year by being unanimously elected to the Presidency of the Medical Society. This post has long been recognised in Edinburgh as the most honourable to which the medical student can aspire, and is always conferred on one in whom his fellow-students have the greatest confidence.

Hastings's studentship at Edinburgh was not alone distinguished by his microscopical researches. He had been house surgeon at the Worcester Infirmary, and he soon became one of the physicians' clerks of the Edinburgh Infirmary; and at his suggestion, not without some "snubbing," important changes were made.

Edinburgh would not have maintained its reputation had it been insensible to the merits of a man like Hastings, and we accordingly find that, on the death of Dr. Gordon, in 1818, it was proposed that he should succeed the doctor in the chair of anatomy and physiology, vacated by his death. It is interesting to contemplate for a moment what might have been his career had he accepted this office. Very different, no doubt, not less influential on the minds of other men, but, on the whole, we think, not so useful as that which awaited him as the physician of a provincial infirmary. But here again we see the man striving for himself a great position out of materials of the most againy and unlikely kind. It is true he might have worked with the microscope, and gained for England some of the laurels which have been so profusely won by German pathologists, on fields of less extensive labour than those afforded by the Worcester Infirmary; but he had evidently other work to do. He was appointed physician to the Worcester Infirmary in 1818, and married, in 1823, the daughter of Dr. G. Woodyatt, of Worcester. His practice increased, and he became surrounded with a family. This was not enough to occupy his active mind. He felt that the provincial physician was isolated, that there was not enough stimulus to induce him to study and work at the science of his profession. So we find him, in 1828, editing the *Midland Medical and Surgical Reporter*, collecting for and contributing to, its pages valuable papers. This went on for three years, when commercial circumstances brought the *Reporter* to a close; but a much more important affair came into existence. The *Reporter* had failed, but it occurred to Dr. Hastings that an association of medical men in the provinces, of a friendly and scientific character, might succeed. The suggestion was adopted, and a general meeting of all favourable to the proposition was held at the Worcester Infirmary on the 19th of July, 1832. Here was founded the Provincial Medical and Surgical Association. Laws were laid down, Dr. Hastings



delivered an inaugural address, and a volume of transactions was published. This association grew; it was a want of the age. Provincial scientific men had felt the same want, and had founded it two years before the British Association for the Advancement of Science. The Provincial Medical Association took however, its own form, and adapted itself to the wants of medical men. It left off publishing transactions, and published a journal. It became political, and demanded a Medical Reform Bill. It invaded London, which demanded a metropolitan branch. This branch became too much for the parent, and the result of its admission was the conversion of the Provincial into the British Medical Association. Only the members of the association know how turbulent has its onward progress been; but Sir Charles was always the pilot. Sometimes it seemed as if it must yield the helm; but when the war was fiercest amongst its members, the intelligence, the courage, the amiability of its founder, its first secretary, and afterwards its treasurer and president of Council, secured for him the respect of all, and he never lost his hold on the hearts of those who had joined the Association. Whilst thus guiding the great institution he had established, he took a wise care that its branches should work independently of his interference, so that the first meeting after his death, and the only one from which he had been absent since its foundation, was one of the most successful in its history, as a touching memorial of the sagacious and self-denying way which he had directed its machinery.

It was through the influence of the British Medical Association that the Medical Reform Act was passed, and the present Medical Council for the government of the profession established. This question was not one of secondary interest to Sir Charles. He entered into it with his whole heart and soul, and the draft of this Bill, which was carried through the House of Commons by the Honourable William Cowper, was first drawn by his son, Mr. G. W. Hastings. The Act, as so many of our legislative measures are, was, after all, a compromise. It should, however, never be forgotten that it secured to the medical profession, an immunity from the torture and oppression of re-examination, and a right to every man who had secured a diploma or license by a satisfactory examination, to practise in any part of her Majesty's dominions. That it placed the power of electing the Medical Council in the hands of effete corporations, competing universities, and a jobbing government, was no part of the original scheme of legislation as proposed by Sir Charles Hastings. He was anxious to place the election of the Medical Council in the hands of the whole profession. He had no confidence in our existing medical corporations, and



never sought from them a diploma or license of any kind. Nor had any of these bodies throughout the United Kingdom, distinguished as he was, and honourable as it would have been to them, the grace to offer him honorarily their distinctions. He had, however, other honours. In the year 1850, he filled the office of President of the Association at Liverpool, and as a recognition of his merit in establishing the Association, the honour of knighthood was conferred upon him by her Majesty. The University of Oxford honoured itself by conferring upon him the title of D.C.L. Lord Lyttelton made him a deputy-lieutenant of the county in which he lived, and the Government nominated him one of the first members of the Medical Council. It would have been more creditable to Government influence in this Council had Sir Charles held the position till his death. Sir Charles was the only member of the Council that could be said to represent the British Medical Association, and through it the interests of the medical profession at large. The Medical Council, as at present constituted, represents the medical corporations and universities, who neither represent the interest of the public or the profession, and has thus brought the working of a great public measure of reform alike into disgrace with both.

We turn now to another phase of the many-sided activity of Sir Charles's life. The love of research, which had led him to spend all his leisure time with the microscope as his companion at Edinburgh, gave intense interest to the long journeys which his professional avocations compelled him to make through the beautiful county of Worcestershire. Malvern, with her upheaved Plutonic rocks, bounded on every side by strata full of the indications of past life; the rich flora of the varied strata, and the animal inhabitants of the beautiful Severn and the valleys through which it flowed, would have great attractions for the ordinary lover of nature; but for one in whom the spirit of research was uppermost, this district would have unnumbered attractions. The habit of observation, early acquired, soon led to the accumulation of materials, and in 1834 we find Sir Charles publishing his "Illustrations of the Natural History of Worcestershire." Before this work was published he had taken an active part in establishing a Worcestershire Natural History Society. The result of the founding of this society was the establishment of a Museum of Natural History, which has, from the time of its first origin to the present, been increasing in interest and in the value and number of its specimens, till it has gained the position of one of the most important of our local museums of natural history. It is not enough to say that Sir Charles took an active interest in this society and its museum—it was its life and soul. He took the chair at its meetings;

he superintended those annual gatherings of the society, which were regarded with so much pleasure by the inhabitants of Worcester; his house was an open one on these occasions, and it was his personal influence that threw around the proceedings of this local society a great general and public interest. Around this great public institution grew up numbers of those naturalists' field clubs, which, by bringing men of similar scientific tastes together, have done so much to promote a taste for natural-history science, and a love for investigation of natural objects. Sir Charles had, above all men of his time, a genius for association, and wherever he went his influence was felt, and he has left behind him, in all directions that his tastes led him, the beneficial influence of a life devoted to the social amelioration and scientific advancement of his fellow-men.

Those who had the pleasure of a personal acquaintance with Sir Charles, have always been struck with the evenness of his temper, the urbanity of his manners, and the quiet and unceasing energy with which he went through the multifarious occupations of his life. These qualities were combined with a transparency and simplicity that, at first, almost deceived people as to his ability and power. It was only on a closer acquaintance that his habits of punctuality, his attention to a large correspondence, his performance of the duties of a large public and private practice, his minute observance of all the courtesies of private life, and his constant attendance on meetings of committees in distant towns and in the metropolis, revealed the power of the man, and the elements of a character truly great.

We trust Sir Charles will find a biographer who will give in detail the remarkable features of his life. Such a life must be of great interest to the younger members of the medical profession, showing them how, by industry and singleness of purpose, the highest honours of their profession may be gained at a comparatively early age. Such a life must be regarded with intense interest by the members of the medical profession practising in the provinces, showing what they may do for the elevation of their profession and the advancement of the interests of mankind. To all, the study of such a life must be of interest, affording an example of grand results obtained by singleness of purpose and untiring zeal. Of few men can it be said more appropriately, "Their works do follow them."

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## THE ENFRANCHISEMENT OF FEMALE FREE-HOLDERS AND HOUSEHOLDERS.

A PETITION was presented to Parliament on the 7th of June, which created much astonishment, some laughter, and some grave consideration. This was the petition:—

“The humble petition of the undersigned, sheweth—

“That it having been expressly laid down by high authorities that the possession of property in this country carries with it the right to vote in the election of Representatives in Parliament, it is an evident anomaly that some holders of property are allowed to use this right, while others forming no less a constituent part of the nation, and equally qualified by law to hold property, are not able to exercise this privilege.

“That the participation of women in the Government is consistent with the principles of the British Constitution, inasmuch as women in these islands have always been held capable of sovereignty, and women are eligible for various public offices. Your petitioners, therefore, humbly pray your Honourable House to consider the expediency of providing for the representation of all householders, without distinction of sex, who possess such property or rental qualifications as your Honourable House may determine.”

This petition was signed by 1499 women, including many names of weight sufficient alone to entitle them to be heard.

It has given rise to much discussion in many households, and articles have appeared in the *Spectator*, the *Saturday Review*, the *Law Times*, and other papers, some containing arguments for the prayer of the petition, and some against it. As I think theonus of proof lies within those who say women ought not to vote, I will proceed to consider the arguments I have heard and seen on that side of the question.

1st. The greater part of men and women, not thinking at all, are much disinclined to discuss at all, and would leave matters where they are, simply to avoid the trouble of weighing arguments and facing new ideas; usually they are content to say quietly, “Things are well enough as they are;” but if they are pressed hard they get angry, and pronounce women who petition for the suffrage simply unfeminine. But, after all, the greater part of mankind is not the part that moves and rules mankind, therefore we have little to say to those who continually assert,



"Women are very well as they are," "Women should be womanly," "Women never have had anything to do with politics, and, therefore, never will have."\* It will be sufficient if I examine every argument which I have heard, which has any pretension to thoughtfulness. The first and commonest is—women should not vote, because they do not wish to vote. Certainly this is a capital reason why women should not have votes thrust upon them, and no one ever yet proposed compulsory registration. The statement, however, that women do not wish to vote, is a mere assertion, and may be answered by a counter assertion. Some women do want votes, which the petitions signed and now in course of signature go very largely to prove. Some women manifestly do; others, let it be admitted, do not. It is impossible to say positively which side has the majority, unless we could poll all the women in question; or, in other words, without resorting to the very measure which is under discussion, make registration possible, and we shall see how many care to avail themselves of the privilege.

2nd. But women have other duties; so have men. No citizen lives for his citizen's duties only, but he is a tradesman, a professional man, a family man, a club man—a thousand things as well as a voter. Of course these occupations sometimes interfere with a man's duties as a citizen, and when he cannot vote, he cannot. So with women; when they cannot vote, they cannot.

The proposition we are discussing is simply that of giving votes to all English people who are duly qualified. Practically, it concerns only widows and spinsters who have 40s. freeholds or other county qualifications, and for boroughs all those who occupy, as owners or tenants, houses of the value of 10*l.* a year.

Amongst those there are surely a great number whose time is not fully occupied—not even so much as that of men. Their duties in sick rooms and in caring for children leave them a sufficient margin of leisure for reading newspapers and studying the *pros* and *cons* of political and social questions. No one can seriously mean to affirm that widows and spinsters would find the mere act of voting once in several years arduous. One day, once in

\* An Austrian landed proprietor is astonished that our lady-landed proprietor have not votes, for in Austria all females, whether of noble or citizen blood, if they possess the property qualification, have votes the same as males. Women also in their corporate character, as "Stifts damen" and nuns, have the franchise, too, if their revenues are derived from land.

In Sweden, the Reform Bill, passed December, 1865, gives the election of members of the Upper Chamber to municipal and county bodies called respectively "Stads fullmäktige" and "Landstings man." In the election of these, women take part. In order to be an elector, a woman must be unmarried and have attained her majority (twenty-five years), or a widow, and she must be possessed of more than 400 rickdalers riksmünt per annum (about 22*l.*) Members of the Lower Chamber are elected in a direct way, and women do not take part in these elections.

say three years, might surely be spared from domestic duties. If it is urged that it is not the time spent in voting that is in question, but the thought and the attention which are necessary for forming political opinions, I reply that women, as a rule, have more time for thought than men, their duties being of a less engrossing character, and that they do, as a fact, bestow much thought and attention on the questions which occupy the Legislature. Social matters occupy every day a larger space in the deliberations of Parliament, and on many of these questions women are led to think and judge in the fulfilment of those duties which as a matter of course devolve upon them in the ordinary business of English life. If there is one quality more than another which makes a nation great it is public spirit, and anything which can foster in men or women a hearty interest in the common well-being, has a strong argument in its favour. And we are certain by giving votes to duly qualified women we should do much to obtain in families, in homes, a healthy, lively interest in the general welfare. We want to make women feel that they are a part of the commonwealth, and have responsibilities, and that it is really important to all that each should have true opinions on the questions concerning the happiness of the nation. At present, the position of women is not such as to make them at all comprehend this.

3rd. Another opponent avers, "that women having political opinions, will cause disunion in families." This argument might be used against their having any opinions on any subject at all. Religious subjects, especially, are apt to rouse the passions, and cause more disunion than any political opinions.

It will be said, perhaps, that differences of opinion may exist without bringing on serious quarrels, so long as they are not carried out publicly in action. But religious differences must be shown publicly. A woman who takes upon her to change her religion—say, to go over from Protestantism to Romanism—proclaims her difference from her family in a public and often a very distressing manner. After all, is it essential that brothers, and sisters, and cousins shall all vote on the same side? For let me mention once again, we are not discussing the expediency of giving votes to wives.

We have passed the time when thought on moral and religious subjects was denied to women. Every one will think it ridiculous to allude to Mahommedan ideas; but, to be logical, we must allow all beings who are affirmed sane on religious and moral subjects, to carry their freedom and sanity of thought into the less difficult questions of sociology and politics. As for opinions causing disunion, let it be remembered that what is a possible cause of disunion is also a possible cause of deeply-founded



union. The more rational women become, the more union there will be in families; for nothing causes so much disunion as unreasonableness and frivolity.

4th. The argument, "that women are ignorant of politics," would have great force if it could be shown that the large mass of the existing voters are thoroughly well informed on political subjects, or even much better informed than the persons to whom it is proposed to give votes. Granted that women are ignorant of politics, so are many male 10*l.* householders. Their ideas are not always clear on political questions, and would probably be even more confused if they had not votes. Compare for a moment the disqualified males and the disqualified females. The first are nearly all of the working class, and the second include such women as Miss Burdett Coutts, the Dowager-Duchess of Sutherland, Harriet Martineau, Miss Yonge, Louisa Twining, Mary Carpenter, Florence Nightingale, &c.

Among those women who possess the qualification and have not votes, there is a large number of the educated class, for it is well known that the proportion of unmarried women among the rich is greater than among the poor. We shall know the exact number of women possessing the property and household qualification when the return ordered by Parliament has been made. In the meantime, the following calculation is suggestive. In the *London Court Guide*, which, of course, includes no houses below the value of 10*l.* a year, the number of householders whose names begin with A is 1149. Of these 205, that is, more than one-sixth are women, all of whom are, of course, either widows or unmarried women.

No mass of human beings will or can undertake the task of forming opinions on subjects over which they have no power, and on which they have no practical decision to make. It would by most persons be thought a complete waste of time. When women have votes, they will read with closer attention than heretofore the daily histories of our times, and talk to each other and to their fathers and brothers about social and political questions. They will become interested in a wider circle of ideas than heretofore, and where now they think and feel somewhat vaguely, they will form definite and decided opinions.

5th. A gentleman who thinks much about details, affirms "that polling-booths are not fit places for women." If this is true, we can only say that they ought to be; but, as a general rule, polling is now carried on in a most quiet and respectable manner. Those who visited the London and Westminster places of voting at the last election can corroborate my statement.

6th. One argument which I have heard against women having any votes or any voice in any public matter is, "that women are



useless to the State in defending it against enemies, and therefore have no right to a voice in its government."

This argument is best met by questions. Why, then, give votes to old men? to clergymen? to men engaged in peaceful occupations? The day is happily past when physical strength was the only quality valued in the commonwealth. Women perform services at home of a nature which are more likely to fit them for a voice in the government than are the avocations of a soldier.

If the world is to advance, and the reason and the social affections more and more to triumph over mere brute force, there is no question but that women will and must take a share in the government of the country. They cannot long be classed with children. There are, it is fair to state, a number of opponents who do not assert that, but who also vigorously deny to women the right of voting.

7th. I mean those who affirm dogmatically "that the function of women is different from that of men, and that their function is not politics." They do not say that things that have never been may never be; they admit that both men and women may change and do change, yet assert that there are grounds for believing rationally that what is to be desired in the future with regard to women, is that women should be more than ever separated from all that concerns the world, active life, politics, and public action. These men and women think the function of women as noble and high as that of man, but different; according to them, a woman may read and think as much as she likes, reason with those who act, but must not act publicly herself. They think her influence excellent as long as she is apart, unaffected by the passions brought into play in the struggle of man with man. They admit that men are swayed by evil influence, and see but dimly, their sight being clouded by their ambition, and believe that thinking women, having nothing to gain or lose in the outer world, have clearer and brighter visions of the truth.

Something like the above is the view of what ought to be women's functions taken by thinkers among whom there is the widest disagreement on all other points.

Now, we all know, that as the mothers of the race, women take a separate view of life, but with this separate view there is still the much broader common view which men and women as human beings take, or ought to take, of all things in heaven and earth. Now, what is to prove that the limits of the function of women do not admit of any public life? However important a woman may be either spiritually or physically to one of the other sex, it seems to me that the sum of her remaining activi-

ties to the world at large holds much the greatest proportion. She is a daughter to her mother, a sister to her sister, a mistress over her servants; she ought to be in the broadest sense of the word, a neighbour both to her equals and the poor. These are her obvious and undeniable duties, and within the limits of her admitted functions, I should think it desirable to add to these—duties to her parish and to the State. A woman who is valuable in all her relations, a woman of a large nature, will be more perfect as a wife and a mother, and not less.

If we contemplate women in the past and in different countries, in addition to their womanly part, we find them acting all sorts of different *rôles*. In some few places, they have had but one *rôle*; in many, they have had much more than one admitted function.

What was their *rôle* among the Jews and the Romans? What was it in the early Christian times, and in the history of the Christian churches? What is it in many African tribes? What is it amongst the Quakers? What is their *rôle* in the colliery districts, at the Courts of Victoria and the Tuileries? We could conjure up thousands of pictures of women. They have done and do all sorts of work, in all sorts of ways. Is there anything in the past history of the world which can justify us in asserting that they must and will do certain things in the future, and will not and cannot do certain other things? I do not think there is.

But to return to my argument, and supposing that there were enough data in the past to enable us to predict that women will never take sufficient interest in politics to induce even widows and spinsters to wish to vote once in several years, should we be justified in realising our own prediction, and forbidding by law what we declare to be impossible? If men believe, on observation and experience, that it is not a womanly function to vote, I respect such belief, and answer, "only the future can prove;" but what I do not respect is the strange want of toleration which makes men say, "you shall not do this or that." We do not wish to oblige women to anything—we only wish to see them left free, as men are, to exercise or not, to exercise as they themselves find suitable, political and other functions.

Women's position in the future may be, as M. Auguste Comte asserts, that of philosophers, and people to modify and not to govern. He even says women have a better claim to govern than philosophers. In the future, the whole organisation of society may be upon the basis of the Comtist idea. I do not believe it ever will be; but now we have to deal with the world as it is and our proposition, by giving liberty and not imposing any func-



tions, will not prevent any future healthy development of society. I think it useful, in the governing of a country, that all classes, characters, and interests should be represented, and I should be very sorry to see a Parliament elected entirely by good voters, as described by a Comtist. "A good voter ought to be, to a certain degree, suspicious, cold, not over-strict, and, above all, a man of action."

8th. It is asserted that "women would lose the good influence which they now exercise in politics if they had votes, and therefore the franchise should not be extended to them." An opponent who takes this view says, "The influence on politics now exercised by women is very real as it is. It is not always wise. It is the great conservative element, it is true; but it is always more or less exercised in a moral aim, and when a wise and earnest woman gives her opinion on politics, it acts with the moral weight of one hundred votes. Men feel that it comes purely from the conscience. There is no trace of its being a mere party cry; it is free from the lower incidents of committee room and electioneering common-place."

Now, in answer to this argument, first of all, it is necessary to prove that women exercise this indirect influence, then to prove that this indirect influence is good, then to prove that the indirect good influence would be lost if they had direct influence, then to prove that the indirect influence is better than the direct influence which women would exercise. From my own observation, I should say that the women who have indirect influence on the men they know, by their wisdom and earnestness, would not lose that influence if they had votes. I think the educational advantage of citizenship to women so great that I should feel inclined to run the risk of sacrificing that subtle indirect influence to a wholesome feeling of responsibility, which would, I think, make women give their opinions less rashly and more thoughtfully than at present upon political subjects.

I cannot see why female voters should attain only the vices and weaknesses of male voters, and I think the opponents of male enfranchisement much exaggerate the evil influence of this function on men. On the whole, it is a good thing for men to have votes, and not a bad thing.

Women would not, I believe, share in the noise or partisanship of elections, and would impart decorum into electioneering transactions. The unanswerable argument to all the sentimental objections is that women themselves wish to have the real vote as well as the subtle influence. I think we in England are more ready to admit the grounds on which Austria, in 1861, gave votes to women, than America or any other country, because



we have the largest number of educated unmarried women. They have no husbands or sons to influence, and therefore desire naturally to have some political power.

To sum up the arguments. First, it is said, women do not want to vote. We answer, those who do not want to vote need not. Then it is said, they are incapacitated. We answer, those men and women who are incapable, cannot of course vote; but then the residuum of those who would if they could? Why say our opponents, those who would vote if they could, must not:—

Because it would cause family quarrels.

Because women are ignorant of politics.

Because polling is unfit for women.

Because women do not defend the State.

Because their duties are different from those of men.

Because women would lose the good influence which they now exercise in politics.

These are really all the arguments which I have heard use against the proposition. If there are any others, I shall be much interested in hearing them. B.

## REVIEWS.

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### THE FUTURE WATER SUPPLY OF LONDON.\*

PERHAPS no time could be more appropriate for considering the question of a water supply for London than the present. There can be no question that London is dependent at the present moment for water on an uncertain and an impure source of supply. The three great sources are the Thames, the Lea, and the New River. With regard to the first, it is vain to expect that much more can be obtained from it than is at present supplied, and we have but to read the accounts recently published to show that the Thames is increasingly the depository of sewage from all the increasing towns and villages on its banks. Under these circumstances, it would be fatal to the health and welfare of the inhabitants of London to depend much longer on the supply from the Thames. With regard to the River Lea, the supply of water from it is very limited; and the facts with regard to the present outbreak of cholera in the East lead to a grave suspicion that its waters have been a means of spreading the contagion which has so recently desolated that district of London. The New River is only a very limited source of supply to London, and its water has never presented any greater amount of purity than the Thames.

Under these circumstances, it would be criminal for the local authorities and the Legislature to overlook the necessity for at once making provision for a supply of water to London of greater purity and of increased extent. We have already alluded to the plan of Mr. Hemans for bringing water from the sources of the Severn, and we have now to draw attention to the plan of the authors of the pamphlet above mentioned for taking a supply of water from the lakes of Cumberland and Westmoreland. We do not intend to pronounce an opinion on the superiority of either plan, but would draw attention to the fact, that there are waters in England which are now comparatively useless, which may be made available for the life and health of London. The plans for carrying out such a scheme are undoubtedly stupendous, but the calculations given by Mr. Bateman and Messrs. Hemans and Hassard show that they are not beyond the means of so vast a population as that of London. In estimating the cost of great sanitary works like these, it is too often forgotten that the increased health and strength of a population soon repay the cost of any outlay that may be made to obtain that health and strength. If the vestries of London and the corporations of the country would sit down and calculate the cost of disease and death, they would soon find that

\* On the Future Water Supply of London. By George Willoughby Hemans, C.E., and Richard Hassard, C.E. London: Stanford.

no sums they could lay out on sanitary improvements would be too large for securing the benefits of long life and freedom from disease. From this point of view, enormous as the sums may appear which would be required to bring water to London from Wales or Westmoreland, the expense would soon be amply repaid by the increased production of a healthy and long-lived community. With these general remarks we earnestly commend to those interested in sanitary improvement the pamphlet by Messrs. Hemans and Hassard, feeling convinced that the sooner efforts are made to bring a fresh water supply to London, the better it will be for the future health of its inhabitants and the economy of its resources.

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### BRIEF NOTICES OF BOOKS AND PAPERS.

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*Vivisection, is it Necessary or Justifiable? Being Two Prize Essays, published by the Royal Society for the Prevention of Cruelty to Animals.* London: Hardwicke, Piccadilly.

The cruelties practised by vivisectionists, especially in France, induced the Royal Society for Prevention of Cruelty to Animals to offer a prize for the best essay in answer to the question—"Is vivisection necessary or justifiable?" Thirty-two essays were sent in, and the prize was adjudged to Mr. Fleming. A second essay by Dr. Markham also received a prize, and the two are now published. The great point of difference between these two essays is, that whilst Mr. Fleming condemns altogether the practice of vivisection, Dr. Markham thinks that in certain cases so much good may be derived by humanity, that vivisections to a limited extent are justifiable. Both essays are, however, written in a thoughtful manner, and condemn unhesitatingly thoughtless experiments on animals which shall inflict upon them pain in any degree. There can be no doubt that the habitual infliction of pain on the lower animals not only have a demoralising effect on those who practice it, and when it is considered that the lower animals have an organisation that makes them as susceptible of pain as man himself, there can be no more justification for inflicting upon them unnecessary pain than upon members of the human family. It should, however, be remembered, that the Creator has, as it were, placed the lower animals at the disposal of man for his benefit, and large numbers of them are fit and proper sources of food, and in order to use them for this purpose he must destroy them, and inflict whatever pain is necessary in this process. If it can be shown that a good equal to that which humanity derives from taking food is to be obtained by slaying animals, then we think it is justified in making the sacrifice. On this point we agree with Dr. Markham, and think he has given some very convincing instances of the importance of experiments on living animals, in order to arrive at important physiological laws. In admitting this principle, we feel that the limitations are so narrow, that the very fact of an animal life being sacrificed in so limited a degree, would at once point out how largely the admitted customs of society tolerate the infliction of unnecessary pain on animals. We feel sure it is not the object of the Society for the Prevention of Cruelty to Animals to hold up vivisectionists alone for condemnation; but we cannot close our eyes to the notice of these prize essays without referring to the wholesale slaughter of animals in these islands for mere amusement. Surely a regard for animal suffering ought to induce us since to have put down the practice of fox hunting, and similar amusements. Society admits the necessity of killing animals for food, but surely this is no justification for making the killing of animals an amusement. Bull-baiting is one of the sports of the past, cock-fighting exists but amongst the lowest classes, but fox hunting still exists, and we can fear little can be said in favour of the practice of shooting game birds and animals for amusement. If their eatableness, however, is supposed to be done the vice, we would still urge the unjustifiableness of shooting for mere amusement such harmless creatures as our small birds, sea fowl, and a host of other creatures that are sacrificed for mere sport.



*A Dialogue on Marriage.* London: F. PITMAN.

This little book refers to a delicate and important subject in connexion with married life, and young husbands may gain from it hints which may tend to make their homes more happy. It is written in a serious and earnest manner, and requires to be read in the same spirit.

## CHOLERA.

*Orders, Directions, and Regulations of the Privy Council under the Diseases Prevention Acts, and Memoranda by their Medical Officer, with the Particulars of the Treatment recommended by the Royal College of Physicians at the request of the Privy Council, and an Introductory Summary.* By J. B. HUTCHINS, Esq., of the Medical Department of the Privy Council. London: Shaw and Sons.

This pamphlet contains a large quantity of very useful matter, as the title will at once indicate. All who are anxious to save themselves and their neighbours from the invasion of the present pestilence, should possess it. It should be recollected, that although the disease is at present on the decline in London, that, taught by the history of previous attacks, we cannot consider ourselves free from liability to future outbreaks. It is only by the utmost vigilance in watching individual cases of the disease, and preventing the spread of the poison, that we can expect to prevent its invading any of our towns and villages.

*Fifth Report of the Medical Officer of the Privy Council, with Appendix.* London: Spottiswoode.

This Report refers to various subjects in relation to public health, which have occupied the attention of her Majesty's Privy Council. Although public health does not occupy the attention in this country which its importance demands, there is hidden in the recesses of those offices constructed by the Privy Council, and little if at all known by the people of England, a Medical Department. Over this department, one of the most vigilant and active of our health officers, Mr. John Simon, presides, and every now and then a "Blue Book," such as the present, sees the light. It is full of interesting and important matter relating to public health; but what we wish more particularly to draw attention to now, are the Reports on Cholera. Two of these are most complete and distinctive documents. One is a report on the sources and development of the present outbreak of cholera in Europe. A more complete account of an epidemic, tracing the disease from its birthplace in Hindostan to Mecca, and from thence through Turkey to Europe, has seldom been published. Mr. Radcliffe has also given all the details of the small outburst of cholera which occurred at Tendon-Bois, Epping, last year. The other report is a detailed account of the outbreak of cholera at Southampton in September and October, 1865. The investigation of the facts of this outbreak was undertaken by Professor Parkes, of the Royal Mary Hospital at Netley. No one could have been better fitted for the task, and the document, containing a large amount of valuable facts, cannot fail to be of the highest interest to those who are studying the nature of cholera.

*On the Nature of Cholera; a Guide to Treatment.* By W. SEDGWICK, M.R.C.S. London: Walton and Maberley.

Mr. Sedgwick is a thoughtful and interesting writer, but his treatment of cholera in his book is too theoretical for public interest. He believes that cholera is dependent on a diseased condition of the nervous system, and recommends bleeding as a remedy.

*Directions for the Preservation of Health and the Prevention of the Spread of Catching and Infectious Diseases, and Precautions to be taken during the prevalence of Cholera.* By Dr. LANKESTER. London: Ladies' Sanitary Association.

This pamphlet, published by the Ladies' Sanitary Association, is a reprint of a series of directions, written for the purpose of being distributed amongst the poor of St. James's, Westminster. They are sold at a low price, for the purpose of enabling those who are so disposed to circulate them gratuitously amongst the poor. We may add,

with regard to protecting them from cholera, that very little can be done for the protection, unless they know how to protect themselves.

*Water, its Impurities and Purification by the London and General Water Purifying Company.*

It is not, probably, generally known that there is a company in London that undertakes to fit up London cisterns with a filter which shall render all the water supplied free from organic impurities. At this season, when there is reason to fear that at any moment our sources of water supply may be contaminated with cholera poison, it becomes of the utmost importance for comfort and safety that our water should be submitted to a process of filtration through animal charcoal. Professor Frankland thinks the water companies might do this of their own accord. Whether the companies will think it necessary to go to the expense, is questionable; and, under these circumstances, we unhesitatingly recommend the filters put up by this company.

*The Antidotal Treatment of Epidemic Cholera.* By JOHN PARKIN, M.D. London: Churchill.

Dr. Parkin, after showing the utter inefficiency of all systems of treatment of cholera, recommends his own, which is powdered charcoal. Those who have no confidence in any other remedy may try this, and it is very probable, when they have done so, they will have as little confidence in this as any other remedy. It is very humiliating to see the medical profession vaunting their remedies, when, if they study the disease on the large scale of its history throughout the world, they would see that one system of treatment is not more successful than another, and that the disease obeys laws of a far different kind and of a much wider nature than those which can be gathered from the treatment of a few cases in some local hospital, or in some district of the earth's surface in which an individual medical man happens to be placed. The safest practitioner is evidently the man who, without any theory as to the nature of the disease, will strive to do his best for his patient, by treating special symptoms as they arise, and, eschewing potent drugs, direct the food and nursing of the patient.

*Cholera Non-Contagious, and the Absurdity of Quarantine Restrictions demonstrated.* By EDWIN HEARNE, M.B. Southampton: S. Gutch.

Whilst the outbreak of cholera at Southampton in 1865 has furnished, in the hands of Dr. Parkes, the most convincing proof of the contagiousness of that disease, Dr. Hearne issues his manifesto in opposition to those of the learned professor of Netley Hospital. We have not space to attempt a repetition of Dr. Hearne's views, but they are more conclusive than they are. We can only express our surprise that a medical man, with the opportunities afforded by the literature of the present day, should have ventured on the terrible responsibility of pronouncing a disease not contagious, which not only carries in its whole history the proofs of its contagiousness, but which, when treated on any other theory, has invariably spread and produced wholesale destruction amongst human beings. Dr. Hearne has brought forward facts to support any other theory, and for the sake of humanity we would say that it should ultimately any other origin for the spread of that disease be discovered, it would be a folly approaching madness to act on any other supposition. If the theory of its contagiousness that is giving precision to our sanitary measures, a principle of action to our medical visitors and inspectors; and it will, we hope be seen, that by acting on this theory, the present epidemic will be less destructive than any which have hitherto appeared.

*Cholera, What it Is, and How to prevent it.* By EDWIN LANKESTER, M.D., F.R.S. London: Routledge.

This is a sixpenny book intended for general circulation, and is principally devoted to giving an account of the history and nature of cholera, with directions for the use of those sanitary agencies by which it may be prevented.

## MONTHLY CHRONICLE.

**Zymotic Diseases in London, in July.**—The following table gives the number of zymotic diseases registered in London during the month of July:—

Small-pox . . . . .	141
Measles . . . . .	221
Scarlet-fever . . . . .	135
Diphtheria . . . . .	42
Whooping-cough . . . . .	171
Typhus . . . . .	169
Diarrhœa . . . . .	822
Cholera . . . . .	1282
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	2983
Cholera and Diarrhœa . . . . .	2104
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Zymotic Diseases *minus* Diarrhœa and Cholera 879

As we anticipated in our last, a tremendous outbreak of cholera has visited London. This explosion has surprised no one but those who are ignorant of the laws which regulate the outbreak and dispersion of cholera epidemics. Our local authorities, our magistrates, our clergy, our wealthy inhabitants, our newspaper editors, have all been taken by surprise. They thought that passing Acts of Parliament, and appointing health officers and sanitary inspectors, were to keep off the cholera. They forgot that, unless Acts of Parliament were acted on, and that medical officers and sanitary inspectors were assisted in performing their duties instead of being obstructed, that all such measures were likely to deceive people and to lead to a false security, worse than no measures at all. Such has been really the case. The cases of diarrhœa and cholera, which reached in July the terrible number of nearly 3000 cases, occurred principally in the East end of London, a district remarkable for its insalubrity and for the entire neglect of the sanitary condition of the inhabitants by the parochial authorities. This district is supplied with water from the River Lea, and there can be little doubt that the foul sources from which this river derives its water, have been the means of poisoning the inhabitants of the East. Not that all who partook of this water were equally predisposed; but it has been precisely amongst the most neglected of the inhabitants of this district that cholera has occurred. It is here that the beneficent effects of the main drainage scheme for London have not been felt, because this portion of London has not yet had its drainage completed. It is in this district that the medical officers of health have



had least influence, and in which the fewest sanitary inspectors have been appointed. It is true that the moment the disease was announced and assistance for the sick needed, that the benevolent wealthy of London contributed their thousands, and with injudicious zeal supplied articles of food which, to say the least of many of them, were of doubtful value. All this is very pleasing; but why will not our benevolent friends think of these things before they come? Here in London have been at least a half hundred medical officers of health, ding-donging their reports of the nastinesses with which the benevolent wealthy were surrounded. They have prophesied cholera with no bated breath; they had studied the laws by which Heaven directs the destinies of men, and again and again did they assert, that, unless something was done to resist the state of filth and uncleanness to which the people were exposed, that cholera must come. But the prophet, as of old, was regarded as a fool, and the wise man was accounted mad, and so the cholera has come to London, and to the end of July had killed nearly 3000 persons! From the 28th of July to the 4th of August, it killed 1407 persons; from the 4th to the 11th of August, it killed but 1045 persons, and the weekly reports since show a still further decrease, and the "dirty party" on our local boards are now trying to creep out of the darkness into which they retired whilst the disease was threatening the whole metropolis. Medical visitors are to be discharged, and sanitary inspectors to be reduced in number, the pumps are again to be opened, and dirt, and foulness, and all uncleanness are allowed to disport themselves, and produce the usual brood of "providential" diseases, as small-pox, typhus, and the like, against which there is none found to declaim. But we warn our "dirty" friends against relying on the present lull. We ask them to consider the consequences if the Thames should become as poisonous as the River Lea. What if the water supplied to the West end of London should become as impure as it was in 1848 and 1849, when Lambeth was nearly decimated by its impurity? What if some of the pumps still open in the streets should be worked by Death, as it was in Broad-street in 1854? We must not halloo before we are out of the wood. It becomes us to speak with bated breath in the austere presence of the Destroyer, who may only have stayed his hand for the moment to test our sincerity in the work of removing all obstructions to his speedy flight. However grand the work of assisting and comforting those who are afflicted, it is much grander to save those who have not yet been subject to the disease. Is it too late for the wealthy West to send aid to the poverty-stricken East? They want inspectors, they want medical visitors, they want medical visitors, they want earnest public-spirited men with the "Sanitary Act of 1866" in their hands, who will not rest satisfied till the last vestige of a "NUISANCE," as defined by law, shall be driven from the whole district. It is no use mincing matters. This is what *must* be done, or Cholera, or some other zymotic demon, will be constantly demanding its holocausts of victims as the penalty of neglecting the laws of health. It may still be (and God in His Providence grant it!) that the fourth visitation of cholera may be made a greater blessing than the

other three. The first, in 1832, resulted in our first faint attempts at sanitary legislation; the second quickened us into greater activity; the third left us with the conviction that we had done very little towards sanitary legislation; whilst this fourth must produce the conviction, that unless more is done than has ever been contemplated before, this generation will not be held guiltless of its country's blood.

**Mortality of Towns in Great Britain in July.**—The following is the return of deaths per 1000 of the population annually, as indicated by the return of deaths for the month of July, 1866:—

1. Liverpool . . . . .	44 per 1000
2. Leeds . . . . .	33
3. Manchester . . . . .	32
4. London . . . . .	30
5. Salford . . . . .	27
6. Sheffield . . . . .	26
7. Newcastle-upon-Tyne . . . . .	26
8. Glasgow . . . . .	26
9. Edinburgh . . . . .	23
10. Bristol . . . . .	22
11. Hull . . . . .	21
12. Dublin . . . . .	18
13. Birmingham . . . . .	17

This list demands some remarks. First, although the month ending July 28 found London in the midst of an epidemic of cholera, its death-rate is positively lower than that of Liverpool, Leeds, and Manchester; so that London is really a more secure place to live in, even when an epidemic of cholera is raging. Second, it shows that the greatest calamity that can befall one town is but the normal condition of many others. The calamity that has placed London nearly at the top of the list in point of mortality is cholera. Whilst, for the first six months in the year, London was lowest on the list, her time has come to suffer. We shall speak of cholera in another place; but there is no doubt that if the mortality of London at this moment claims the sympathies of the enquirer, there has not been a month since the beginning of the year that this might not have been claimed by the chronic high death-rate of such cities as Liverpool, Manchester, Leeds, Sheffield, and Salford. As we know what is the mortality of London in the first three weeks of August, we may state that its highest rate was on August 4th, when it reached 45 in the 1000, when Liverpool was 53; and that on the 11th of August it was 39 in the 1000. On the 18th of August it was 31 in the 1000.

**Cholera Investigations.**—It is announced in the *Lancet*, that Mr. Mon is preparing to carry out for the Privy Council an investigation concerning the present outbreak of cholera. The arrangements are still complete; but the following appointments have been made. Treatment Committee: Dr. Wilks, Dr. Martin, Dr. Bristowe, and Dr. Hughlings Jackson. Pathological Committee: Dr. Thudichum (chemical).



mical pathology); Dr. Burdon Sanderson (contagion experiments); other members not yet appointed. Water-stand Conditions: Mr. Glaisher. In addition, it is known that the medical inspectors of the Privy Council—Dr. Seaton, Dr. Buchanan, and Dr. Hunter, together with Mr. Rawlinson—have been making investigations concerning the outbreak in East London. For these important services, Mr. Simon has received the munificent grant of 500*l*. The Commissioners who investigated the cattle plague, and had some thousands placed at their disposal, complained that they were stinted. Our Government has, apparently, arrived at the conclusion, that the life of a human being is not worth as much as that of a cow! Yet if they studied the price of cattle and men in the Southern States of America, when men were sold there, they will find that to work on a land decidedly less productive than our own, that men were sold at ten times the price of cows. To be sure, men in this country are not saleable animals, but they are valuable tax-paying animals, and, if rightly managed, will produce more a head than black men. White men, in fact, are more productive on the earth's surface than black men, and are worth more. Surely, then, it would be wise to spend a little more about discovering the cause and the means of preventing cholera. Perhaps our statesmen will one day discover that two men are better than one, and that Malthus was not quite right when he said that the tendency of population to increase was greater than the tendency of the means of subsistence to increase.

**Purification of the Thames.**—Those who are anxious about the condition of the Thames—as what noodle in London is not?—will be glad to know that an Act of Parliament was passed during the session of 1866, for the purpose of purifying the Thames. It provides most absolutely that no sewage is to be poured into the Thames between Cricklade and Staines under a penalty of 1000*l*., and 50*l*. for each day's continuance. The Conservators to whom the Upper Thames is entrusted, and who are to be the same as the present Conservators of the Lower Thames, with five additional members, are to have the surface of the river effectually scavenged in order to remove all putrefying substances. Then, too, the question of funds is satisfactorily settled by a provision that the five metropolitan water companies are to pay 1000*l*. a year each to the Conservators. These are the chief enactments, and the Act must be regarded by all sanitary reformers as a step in the right direction.

**Post-mortems at Coroners' Inquests.**—The *Lancet* makes the following remarks on this subject:—The Middlesex magistrates who object to the expense of post-mortem examinations in cases on which coroners' inquiries are held, will probably be startled by the following statement of facts in the report of the Registrar-General for 1864:—"4478 deaths took place in which the causes are 'not specified,' or 'ill-defined;' besides 3321 sudden deaths in which the causes were investigated, often vainly, by coroners' inquests." It further appears that of those deaths for which causes are assigned, a very large proportion (seventeen per cent. in 1858) are "uncertified" by any medic



attendant; although, according to Dr. Farr, "the medical attendance of the population is better in England than it is in any other State of Europe." It is impossible to believe that, if post-mortem examinations had been made in all cases in which the cause of death was uncertain, such a large number of unsatisfactory verdicts would have been returned. It is a false and dangerous economy to restrict the performance of after-death examinations to cases in which there are strong or clear grounds of suspicion that the death has not been natural. The Medical Witnesses Act, if properly carried out, would remove this scandal from the Coroner's Court. The inquest, if it is to be of any value, should in all cases determine the actual cause of death; and when it fails to do so it is not only unsatisfactory, but a useless, and, it may be, a mischievous inquiry. The fact of so large a number of deaths being "uncertified," points to the vast amount of illegal practice which is carried on in this country, not only by quacks and impostors, but by druggists, and calls loudly for a remedy.

**Composition and Quality of the Metropolitan Waters, July, 1866.** — The following are the returns of the Metropolitan Association of Medical Officers of Health :

Names of Water Companies.	Total Solid Matter per Gallon.	Hardness.	
		Before Boiling.	After Boiling.
	Grains.	Degrees.	Degrees.
Thames Water Companies.			
Grand Junction ... ..	17.49	13.0	2.5
West Middlesex ... ..	16.77	12.5	2.0
Southwark and Vauxhall.....	17.10	13.0	3.5
Chelsea ... ..	16.60	13.0	2.5
Hambleth ... ..	18.39	13.0	2.5
Other Companies.			
Kent ... ..	27.86	18.0	8.5
New River ... ..	17.16	13.0	3.0
East London.....	18.16	13.5	3.5

H. LETHEBY, M.B.

The analysis of the metropolitan waters during the month of July shows that in every case there is less than the average proportion of saline and organic matters, and the reduction of the latter, which is the most important constituent of potable water, is most marked in the waters derived from other sources than the River Thames; for while the amount of organic impurity in the latter has ranged from 0.49 to 0.76 of a grain per gallon, that of the former had been from 0.2 to 0.4 per gallon; indeed, the quantity of organic matter in the Kent water has fallen from an average of 0.2 of a grain to 0.02; that of the New River from 0.46 to 0.2; and that of the East London from 0.53 to 0. These reductions in the quantity of organic matter are chiefly due to the care with which the processes of filtration are conducted;

and if these analytical results are compared with those of a few years ago, the improvement is still more remarkable. It is very probable, however, that the most perfect processes of purification, so far as they can be used at the works of the water companies, will never be sufficient to ensure such a purity of water as the complete removal of those subtle agents of disease, which even the most refined appliances of the chemist have failed to discover. It may, therefore, well be that all discoverable traces of organic matter may be removed from water, and yet it may still contain enough of the minute germs of disease to manifest its morbid action wherever it is used. Experience, indeed, teaches us that it is not the quantity of organic matter in water so much as its quality which determines its dangerous properties; and, if it be true, as modern pathological science has almost demonstrated, that the real agent of such diseases as infectious fevers, cholera, the rinderpest, and other allied zymotic maladies, are living germs, and not a gas or vapour, or dead organic miasm, it must rest with the physiologist rather than with the chemist to decide on the means which are best suited for their destruction; and it is more than probable that the chemist would be putting forward very dangerous propositions if, by relying on his science alone, he ventured to dogmatise on so difficult a subject. That which has been abundantly proved in respect of small-pox and some other infectious diseases is very applicable to the present inquiry, in so far as it relates to the more than possible existence of choleraic germs in the water we drink. The agents of those diseases are unquestionably living germs capable of remaining dormant for an uncertain, but nevertheless not indefinite period, and then springing into activity and multiplying themselves without limit directly they find the conditions necessary for their active development. But whether these germs are susceptible of oxydation, like common dead organic matter passing through its final stages of decay, is more than chemical science alone can determine. The analogies in physiology are against such a supposition, and they warn us not to receive it even as a possible fact. That which we do know, however, is that these germs are destroyed by the temperature of boiling water; that they are killed by all caustic substances, as chloride of zinc, chloride of iron, &c.; and that they cannot resist the action of certain agents, as sulphurous acid and its salts, carbonic acid, which act on them after the manner of specific poisons. We must, therefore, look to these agents rather than to processes of oxydation for reliable prophylactics; and in the case before us the only agent on which we can confidently rely is heat, for if the infected water be boiled, the choleraic germs will be rendered innocuous. That the destruction of decaying organic matter in water is of the greatest importance there can be no doubt, for experience has proved that it also is productive of disease. It is, moreover, certain that organic matters of this description are rapidly oxydized by permanganate of potash, and by filtration through animal charcoal, and charcoal mixed with certain compounds of iron, but it is more than doubtful, even if it were practicable, whether such processes of purification should be used by the water companies at the sources of supply.



seeing how many causes of pollution exist between those sources and the consumer. Besides which, it must not be forgotten that only a very small part of the water delivered by the company is used for primary domestic purposes, the great bulk of it being employed for flushing closets, drains, and sewers, for watering streets, and for various manufacturing operations. It would, therefore, manifestly be an unnecessarily wasteful application of a tedious and expensive process, to do that at the works which can be so easily, so surely, and so much more economically done at the point of consumption. But, after all, the most important consideration at the present time is the means of obtaining a constant water supply, so that the prolific sources of contamination and of real danger to the community, the filthy butts and cisterns, may be entirely abolished. The very first step towards the attainment of this object must be made by the public themselves; for it is idle to expect a constant supply while there is the present imperfect condition of almost every household service. If, indeed, such a supply were at once given to us, it would assuredly fail, for all the water of the Welsh hills would be insufficient to maintain it. The daily supply of water to London is at the rate of about 30 gallons per head, whereas experience has proved in many instances that with a well-regulated constant service it need not exceed 20 gallons a head. As a matter of economy, therefore, as well as of public health, it is high time the consumer should make preparation for such a supply, in the way that the Act of Parliament directs, and then there would be no difficulty in applying processes of purification at every point where the water is used for domestic purposes. At the present juncture it is advisable that all water stored in butts or cisterns should be boiled before it is drunk, and, where it is practicable, it should be previously filtered through animal charcoal, or charcoal associated with proper compounds of iron; and failing this, it may be treated with a little of Condry's solution of permanganate of potash, until it retains a very pale but decided tint of rose red. In all cases, however, it should be boiled.

**A Coroner's Arithmetic.**—The *Pall Mall Gazette*, of August 2, says: "Dr. Lankester is an energetic and valuable public officer, but he can hardly be congratulated on his management of figures. The defence which he has just made of his very startling theory as to the number of child-murderesses in London, only brings out more clearly the fallacy of his calculations. He held eighty inquests on children found dead in one year, and he then assumes that there are no doubt eighty more murdered and never found. This is, however, pure hypothesis; and Dr. Lankester might reasonably assume that there are two or three times as many, or half as many again, for one guess is as good as another. Then he assumes that there are just as many child murders in the other two coroners' districts in London; which is a guess also. Then again he says that the average age of child-murderesses is twenty, and that the average life of women who have lived to be twenty is sixty, giving forty years of additional life for the child-murderess to live unknown in the



midst of her non-homicidal fellow-creatures. But where does Dr. Lankester find that the average life of the girls who at twenty have formed the connexions which lead to child-killing is sixty years? We should be surprised if it approached that period. It is impossible not to think that the life of nearly all such women must be surrounded with those very conditions which hasten on premature death. Still more extraordinary is his assumption that women who kill one child kill only one. When the crime has been once committed, it is highly probable that it will be repeated under renewed temptations. Of the eighty slaughtered infants who came before his notice, how many does Dr. Lankester suppose to be the only one of a family of brothers and sisters not doomed to die? And how is the average age of the mothers ascertained when, in a large number of instances, the mother is not known? Doubtless too it is the youngest mothers who are chiefly found out, the older being more skilful in the concealment of crime. On the whole, the calculation breaks down at every step, and whatever be the real frequency of the crime, it never can be ascertained by these haphazard guesses, which serve only a sensational end, and terrify people into imagining that the evil is too gigantic to be arrested." This is one of those paragraphs got up for the purpose of effect. The editor of the *Pall Mall Gazette* ought to have seen, however, that the report of Dr. Lankester's observations as recorded in the newspapers, was a calculation of probabilities. Such calculations have been always admitted in politico-economical science, and are a legitimate method of arriving at conclusions with regard to facts which cannot be observed. The writer of the above paragraph must know that there is no improbability at all in the calculations made by Dr. Lankester, and they have not been made for the purpose of producing a sensation at all, but for the purpose of showing, to those who are indifferent about the question of infanticide, that there is reason to believe that its extent is much greater than is generally supposed. It is very unfair of political writers, who deal almost entirely with assumptions, to attack an argument like that by Dr. Lankester, as if his conclusions were valueless, from the impossibility of ascertaining the facts; *à fortiori*, their opinions, without anything like a scientific basis, must be utterly futile.

**London Water Supply.**—It is stated that surveys are in progress with a view of applying to Parliament in the ensuing session for an Act to enable existing companies, or some of them, to procure a better supply. It is proposed to divert and utilise all the sewage of the towns which lie on the Severn above Tewkesbury, in accordance with the principles laid down in the Report of the Rivers Commission, 1865 and to take the supply from that river just above Tewkesbury, and to convey it thence to large reservoirs at a distance of nine miles, and at a sufficient elevation to allow the supply to pass from these reservoirs to London, delivering the water there at the requisite height to afford a constant supply at high pressure to every portion of the metropolis. It is said that the flow of water for such a long and continuous length and without receiving any contamination in its passage, will so oxidise the organic matter held in suspension, that it will tend greatly to purify

and soften the water. The estimate of the probable cost of carrying out this undertaking, as made by the engineer, Mr. Hamilton Fulton, is 3,000,000*l.*, whereas it is estimated that the cost of Mr. Bateman's Welsh project would cost nearly 9,000,000*l.* Should it upon further investigation be found impracticable to divert the sewage satisfactorily from the towns above referred to, it is considered that an excellent and pure supply for London might be obtained from the sources of the River Wye, which drain the districts in the vicinity of Plymlymon range, where the annual rainfall is equal to 70 inches deep. Mr. Fulton estimates the additional cost of this plan at 2,500,000*l.*, or a total of 5,500,000*l.*

**The Jews and Cholera.**—It is a subject of remark that the Jewish inhabitants of the East-end have escaped almost unscathed during the outbreak. In Petticoat-lane and its immediate neighbourhood only three or four cases of cholera have taken place, and the cases of diarrhoea have hardly exceeded those of an ordinary summer. A similar exception was observed in 1849, when the Hebrew community only lost about 1 in 2000 as compared with 6 in 1000 of the general population of Whitechapel, and 29 in 1000 of the Christians of Rotherhithe. Then, as now, the immunity was ascribed to certain observances and habits inculcated by the Jewish faith. For example, the houses of all Jews undergo a thorough cleansing once a year, and every room is lime-whited at least as often; more than one family never occupy the same rooms (two or three or more families sometimes occupy a single room among the lower orders of the surrounding population); considerable care is taken with respect to the quality of the food used, tainted provisions being proscribed, and all flesh meat being inspected by a religious officer before being consumed; and, finally, the poorer members of the community are liberally cared for through the benevolence of the rich, applications for workhouse relief not being allowed.

**An Anticholeraic Beverage.**—Dr. Waller Lewis, in describing the precautions against cholera adopted at the General Post Office, says: The men employed in sorting letters and newspapers suffer much from thirst, especially in the hot weather, and consequently drink much water while engaged in their duties. Although the Post Office is supplied with the New River Company's water, and this is all filtered through silicated charcoal in the various offices, much diarrhoea was, nevertheless, the result of this practice. For some time past the officers of all classes are supplied from the medical department with a most agreeable drink, which not only assuages the thirst, but has, moreover, strong antiseptic and anti-diarrhoeal properties. It is called *orangeade*, and it is thus composed: Take of dilute sulphuric acid, concentrated infusion of orange peel, each 12 drachms; syrup of orange el, five fluid ounces. This quantity is added to two imperial gallons water. A large wine-glassful is taken for a draught, mixed with more or less water, according to taste. The officers drink this with pleasure. It is being consumed in large quantities daily, and I am convinced it will be the means of warding off a great deal of sickness."



## PROCEEDINGS OF SOCIETIES.

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### THE APPROACHING CONGRESS AT MANCHESTER.

Thanks to the exertions of the Local Committee, and of the three secretaries, Messrs. Maclure, Philips, and Steinthal, the Manchester Congress is likely to be one of the largest and most brilliant that the Social Science Association has yet held. Manchester has the immense advantage of being able to house all the departments under one roof. If the Assize Court had been specially built for the purposes of such a Congress, it could hardly have been more suitable. The central hall, on the ground floor, is to be the reception-room; and provided as it is already with post-office, telegraph-office, and refreshment-rooms, it needs scarcely any special fittings. From this hall there is direct communication with the criminal, the sheriff, and the civil courts, all on the same floor, in which the departments of education, health, economy, and trade, are to be respectively located. The council, the various committees, and the secretaries have all apartments close at hand. The three sections of the jurisprudence department have their chambers allotted to them on the upper floor. On the evening of Thursday, October 4, the Assize Court will be lighted for the first time, on occasion of a grand conversazione, given by the Manchester Committee to all the members and associates. A second conversazione will be given in the same place on the evening of the following Monday. The President's address will be delivered on the evening of Wednesday, October 3, in the Free Trade Hall; the departmental addresses in the Civil Court, on successive mornings before the business of the sections begins.

The recent change of ministry compelled Lord Stanley to resign the presidency for the year, which he had previously accepted. The vacant office was then offered to and undertaken by the Earl of Shaftesbury. Lord Brougham, as President of Council, will also attend the Congress and deliver an address. The presidents of the jurisprudence, education, health, and economy and trade departments, are respectively the Hon. George Denman, M.P., the Right Hon. H. Austin Bruce, M.P., Dr. Farr, and Sir J. Kay Shuttleworth. Papers and addresses are expected from Mr. Anthony Trollope and Mr. Ernest Gambart on international copyright, from Mr. Hare on improved methods of voting, from Mr. Commissioner Hill on life sentences, from the Rev. W. Kennedy on the further extension of education among the poor, from Sir J. Kay Shuttleworth on the governing bodies of endowed schools, from Dr. Angus Smith on the prevention of smoke, from Dr. Stevenson Macadam on the pollution of rivers, from Mr. David Dudley Field, of New York, on codification, from Mr. J. F. Bateman on water supply, &c.



## SOCIETY FOR PROMOTING THE EMPLOYMENT OF WOMEN.

This society has just issued its annual report, of which the following is an abstract. The society has now completed its seventh year, and its work has been gradually advancing. Branch societies have been established in Edinburgh and Dublin, and similar societies have been started in Berlin and Hamburg. During the year ending June, 1866, the number of visits to the office, 19, Langham-place, from applicants, averages from eight to nine a day. The fresh names entered during the year amount to 391. Of these, 53 have obtained permanent, 36 temporary employment through the agency of the society; 133 still remain unemployed. The ages of applicants vary from 14 to 60, and in a few instances ladies even above 60 have applied for employment. Taking the names of 100 applicants as they stand on the register, it is found that 29 are above 40 years of age, 27 are between 30 and 40, 33 between 20 and 30, and 11 under 20.

The occupations in which women have obtained employment by the aid of the society, are artistic work; secretaryships, photography, nursing, telegraph clerks, hairdressing, plate and watch engraving, and law copying.

The report concludes by reference to the evils arising amongst women from the want of early training in some business or profession. Grown-up women, who have had no education other than that given in girls' schools, cannot take up a trade or profession at any moment, when the necessity comes. Their best chance is that of obtaining situations as teachers, nurses, matrons, or companions, and these occupations are often closed to them, either by their own unfitness, or by the simple fact that the number of applicants for such positions largely exceeds the demand. During the last three months, 18 women have entered their names, desiring situations as companions and lady-housekeepers; during the same period only two applications have been made by employers. It is evidently, therefore, of the utmost importance that girls should receive such specific training in early life as will enable them to maintain themselves with dignity in their own work, in case of being thrown upon their own resources in middle age. It is worthy of special note, that the most distressing and hopeless cases which come under the cognizance of the society, are those of married women. Some have become widows, others have been deserted by their husbands, or have shared their misfortunes. These women have often a family of helpless children to support, and sometimes also a husband, incapacitated by sickness of body or mind from maintaining himself.

In opening new fields of labour, there are two principal hindrances on the side of the employer and the employed respectively. There is on the one hand the reluctance of masters to make innovations on established custom. Sometimes there is opposition to be encountered from workmen; sometimes it is feared that customers may dislike the change; sometimes there is distrust of the capability of women for any work which they have not already shown themselves able to do.

well, a distrust betraying itself in the frequent suggestion, that "some other business," *i.e.* anything rather than the one proposed, would be a more suitable occupation. On the other hand, there is the improvidence of parents, which makes them unwilling to incur the expense of apprenticeship for their daughters, and in some cases the real difficulty, or impossibility, of paying the sum required as a premium. The difficulties on all sides can only be removed by the gradual action of public opinion, and it is as contributing towards the formation of a healthy public opinion on this question, that a Society for Promoting the Employment of Women is eminently useful. The mere existence of such an institution is a standing protest, the weight of which will be more and more felt, as by an increase of the means at the society's disposal, the sphere of its activity is extended, and its direct influence is brought to bear on a larger number of individuals.

As bearing upon the work of the society, though not directly accomplished through its agency, the committee have pleasure in calling attention to the fact, that the medical profession may now be regarded as open to women. In the autumn of last year Miss Garrett, of 20, Upper Berkeley-street, Portman-square, received the diploma of the Society of Apothecaries, constituting a legal qualification for general medical practice, and she has been appointed general medical attendant in a dispensary, shortly to be opened, for women and children.

The committee also regard with much satisfaction the extension to girls of the Cambridge and Durham local examinations. The influence of these examinations in encouraging accuracy and increased attention to the more solid branches of instruction, especially arithmetic, is already beginning to be felt. It is hoped, that as public attention becomes more awakened to the importance of female education, certain old foundations, which appear to have been designed for both sexes, but from the benefits of which girls have been gradually excluded, will be restored to their original purpose. Charitable funds available for the apprenticeship of girls might be most usefully employed in assisting widows, who have daughters to provide for, and no means of giving them a fair start in life.

#### EPIDEMIOLOGICAL SOCIETY.—REPORT OF THE COUNCIL OF THE CHOLERA HOSPITALS.

In June, 1865, cholera broke out with great violence in Egypt. During the summer and autumn of that year the epidemic extended to many parts of the continent of Europe, touched lightly on our own shores, and appeared in the western hemisphere. Diminishing activity as the winter advanced, it still lingered throughout the cold season in several places, and, early in the present year, it showed signs of renewed energy in Europe, and seemed likely again to become migratory. The Council, having regard to the measures of safety which it would be best to adopt should this country suffer, drew up a resolution distributed among the members of the society, and others whose opinion it was desirable to ascertain, the following circular:



"London, March, 1866.

"SIR,—In the event of an outbreak of cholera in this country, the first practical question for the consideration of the profession will be, how to make adequate provision for the reception and treatment of the poor when stricken with the disease; and what kind of accommodation should be preferred, as most calculated for the benefit of the patients, and least likely to endanger the public health.

"The public will naturally look for some expression of opinion on so important a subject to those who, from study and experience of the disease, may be in a position to give the results of their practical knowledge.

"The President and Council invite your attention to the three following questions, and would feel much obliged if you will favour them, at your earliest convenience, with answers thereto:

"1. Can persons suffering from cholera be admitted into the ordinary wards of general hospitals or infirmaries without danger to the health of other patients?

"2. Can cholera patients be admitted into special wards set apart for the disease, in general hospitals and infirmaries, without undue risk of the extension of the malady to the other inmates of the institution and their ordinary attendants?

"3. Do you deem it necessary that special hospitals should be provided for the reception of persons attacked with cholera? and that such persons should not, on any conditions, be admitted into general hospitals or infirmaries?"

Replies (*see* Appendix) have been received to these queries from many of the most eminent members of the profession, among whom may be mentioned the Presidents of the Royal College of Physicians and of the General Medical Council of Education, the Directors-General of the Army and Navy Medical Departments, and the Physician to the Secretary of State for India in Council.

The Council tender their thanks for the courteous attention which has been given to their circular, and they submit the following observations, based upon the answers with which they have been favoured:

There appears to be a general concurrence of opinion, expressed or implied, that under certain circumstances and conditions, cholera is liable to be communicated from person to person—the liability being usually in proportion to the crowding of many persons together, the defective ventilation of apartments, and the neglect of thorough cleanliness in respect of person or abode.

In addition to the possible risk of the disease extending in this manner, the alarming character of the symptoms, and the necessity for unremitting attendance upon the sufferers, are calculated to produce terror in the minds of spectators, and thus strongly predispose them to be attacked.

For these reasons, the opinion is very generally held that it is undesirable that cholera patients should be admitted into wards which are occupied by other sick inmates.

The experience, however, of some of the metropolitan hospitals in



past epidemics shows that, due attention being paid to sanitary arrangements, cholera patients may be received, in limited numbers, into the general wards without injurious results either to the other sick or to the ordinary attendants.

No instances have been referred to, in the evidence before the Council, in the opposite direction, viz., of the disease having spread to the other inmates of a ward in a well-regulated hospital.

II. With respect to the second query, the experience of the metropolitan physicians who have favoured the Council with replies appears to be that, with proper precautions, cholera patients may be admitted into separate wards in general hospitals or infirmaries without undue risk of the extension of the malady to the other inmates of the institution.

This opinion is shared by all the respondents who have had experience of the disease in tropical countries.

It would have been very desirable to have been informed of the results on this point in some of the military and naval hospitals in this country and also abroad.

The precautions above referred to are these :

(a.) Ample space to each patient ; not less than 1500 or 2000 cubic feet.

(b.) Thorough ventilation of the wards at all times, both night and day.

(c.) Immediate disinfection and removal of the excreta, soil, linen, &c.

(d.) A separate staff of nurses.

III. The reply to the third query depends much on the opinion formed in respect of the two former questions. If cholera patients are not admissible into general hospitals or infirmaries under any conditions, it is obvious that some extemporised and special arrangements must be provided for the reception of the destitute when attacked.

But even when they are admitted, there are various circumstances which it will be advisable or necessary that special hospitals should be provided ; *e.g.* :

(a.) When general hospitals or infirmaries are at a distance from the seat of the actual or apprehended outbreak.

(b.) When there is a want of accommodation, with due regard to the ordinary patients, or when the accommodation is unsuitable or objectionable.

In selecting the site of special hospitals, the following points require to be attended to :

(a.) Nearness, if possible, to the chief seat or seats of the outbreak. It is important that cholera patients should not have to be carried. There is always great risk in moving patients in, or verging to, a state of collapse.

(b.) Airiness, and freedom from sources of atmospheric pollution.

(c.) A dry and elevated situation is to be preferred to a low and damp one.

Amid the crowded districts of a large town, it appears preferable

that several small and suitable hospitals, or "houses of recovery," should, if possible, be established in different localities, rather than one or two large hospitals for the reception of a great number of cholera patients.

The remark that the presence of an experienced staff of medical officers in general hospitals, and the existence of more complete appliances of every sort in them than are likely to be provided in extemporised special hospitals for the treatment of cholera patients, are marked advantages in favour of the former, deserves consideration.

The general conclusions of the Council are these :

1. That it is, on the whole, unadvisable that cholera patients be admitted into the ordinary wards of general hospitals or infirmaries.
2. That cholera patients can be safely admitted into special wards in general hospitals, due precautions being taken ; and therefore that it is desirable, as an important means of providing accommodation for the destitute when attacked, that the authorities of these institutions grant this valuable benefit to the public.
3. That it will often be necessary that special hospitals be provided, or, in lieu, of general hospitals and infirmaries.

In addition to these arrangements for the accommodation of the poor when attacked with cholera, the Council would recommend that places of refuge be provided for the temporary sojourn of some of the attacked inmates of unwholesome dwellings and localities where the disease has appeared.

#### ASSOCIATION OF MEDICAL OFFICERS OF HEALTH.

On Thursday, the 16th of August, a meeting of this Association was held to confer on the present epidemic of cholera. The chair was taken by the president, Dr. Druitt, who, in his introductory remarks, said they had met for the purpose, amongst other things, of ascertaining from each other whether the local authorities had, or had not, been successful in dealing with the outbreak. He was glad to see Dr. Sarvis, medical officer of health of Bethnal-green, present, and he should be obliged if he would address the members on the subject.

Dr. Sarvis regretted to say that the Orders in Council found his country "entirely unprepared," and, so far from their being inclined to carry out his suggestions as health officer, they, in fact, opposed him. Three dispensaries with a medical visitor to each and some assistance were established, and chloride of lime and other disinfectants supplied to them. When he said that, he had said nearly all. There was scarcely any house-to-house inspection—in fact, there were three sanitary inspectors appointed for a district numbering upwards of 15,000 inhabitants. He could really form no opinion as to the outbreak of cholera in his district, and could not trace its source. He was inclined to lean to the opinion that it was in some sort attributable to the River Lea, but still that river was not as impure as it had been represented to be. There was one other point to which he wished to call attention. The local authorities of Bethnal-green were not the only ones to blame, for the adjoining parishes were quite as bad. The

parish of Shoreditch, for instance, was worse than Bethnal-green, and if the medical officer were asked his candid opinion, there could be no doubt he would acknowledge it.

Dr. Lankester said there was reason to believe the present outbreak, like the previous ones of 1848 and 1854, was in very great measure attributable to the water supply. It was therefore with extreme regret he had seen that day urchins drinking water from a pump near St. Martin's Church, which was no doubt impure. He felt very strongly that all these pumps should be closed. He felt greatly pained by the statement made by Dr. Sarvis as to the remissness of the vestry of Bethnal-green in dealing with the outbreak, and thought it time that the Association should apply to the Privy Council in the matter. He begged to move the following resolution: "The Association of Medical Officers of Health desire to represent to the Privy Council that there are districts in London, including some where cholera is now raging, where the provisions of their Lordships' order under the Diseases Prevention Act are being inefficiently carried out, and the Association submits that inquiry by the Privy Council is required as to the efficiency of the precautions that are being taken against cholera, and as to the organisation available in each district for dealing with an epidemic of cholera. Among other points to which the Association consider their Lordships' inquiry should be directed they would refer particularly to the sufficiency of sanitary inspection of house-to-house visitation, and the means that have been adopted for better cleansing and for supplying water to the districts."

Dr. Buchanan seconded the motion, and said that an independent inquiry, instituted by the Privy Council, would do a great deal of good.

Dr. Aldis referred to the noisome air that is contained in some of the London churches, and particularly referred to the crypt of Spitalfields Church, which has been poisoned for years. In his own district (St. George, Hanover-square) there were vaults in a church which sometime ago were deluged with sewage and caused an outbreak of diphtheria.

Dr. Sarvis said he was not satisfied with the state of the water-butts in his district, and there were many other things that required urgent attention. A larger water supply—in fact, a constant water supply—was needed in the poorer districts. At present, the water is only on for five or seven minutes, and that was quite insufficient even for the ordinary wants of the people.

Dr. Gibbon said strong measures should be adopted for causing the filthy water-butts to be cleaned, and in a great number of cases they ought to be burned and fresh cisterns substituted.

The Chairman said the question of water supply might form the subject of a distinct resolution. The one before them then was Dr. Lankester's, asking for an inquiry into the conduct of several London local boards in dealing with cholera. Did the members consider it advisable to pass it or not?

After a lengthened discussion the resolution was put to the vote



and lost, and upwards of half-a-dozen medical officers of health then stated that their vestries were doing all they could to arrest the progress of the epidemic. One or two of them thought that some of the ratepayers had good grounds for complaining that such high salaries should be paid to "medical visitors" for inspection, when laymen could be got, at a much lower salary, that would do the work quite as efficiently as medical men.

Mr. Lord, medical officer of health for Hampstead, emphatically condemned the giving of two guineas a day to medical visitors as a great waste of public money.

Dr. Gibbon then moved the following resolution: "That a communication be addressed to the local authorities and cholera aid committees where the disease is prevailing, urging them to have all water-butts either effectually cleansed and disinfected or else replaced by new ones; meanwhile that the authorities provide stand-pipes to supply water for domestic use direct from the mains."

#### BRITISH MEDICAL ASSOCIATION.

This Association held its thirty-fourth annual meeting at Chester, from the 7th to the 10th of August, and was presided over by Dr. Fatters, of Chester. A large number of members were present. The addresses on medicine and surgery were delivered by Professor Bennett, Edinburgh, and Mr. Bowman, of London. The *British Medical Journal* makes the following remarks on the meeting:

"The meeting will long be memorable in the annals of the Association. As far as success went, there was every reason for congratulation. The meeting was well attended. There was enough and to spare of intellectual food of the highest nutritive quality; the welcome of members resident in Chester to their brethren who came from a distance was most cordial; the Report of the Council showed the Association to be in a flourishing condition in its pecuniary matters, and to have achieved an important share of the work which it had undertaken for the professional and public good. The past of the Association during the year, in fact, gave every reason for hope in the future. But the meeting was held under circumstances peculiar and painful, which, in part, can never again occur, but which must through many years leave their traces at our annual gatherings. For the first time in its history, the Association was not cheered by the presence and animated by the voice of its founder. That excellent man, to whom the prosperity of the Association was as his own life, and who, almost with his latest articulate words, sent his greetings to those whom he never hoped to meet again, had been but the day before the meeting committed to the grave. Most natural and fitting it was, then, that the Council should with one mind determine to suspend the ordinary course of business in opening the meeting, in order that the retiring president and Mr. Carden, as the faithful friend and medical attendant of Mr. Charles Hastings, might submit for adoption by the members a set of words expressive of their feelings on the occasion; which motion, having been supported by Dr. Richardson in a few earnest words, was,

by the unanimous vote of the members, placed on the records of the Association.

"Nor was this vote of regret at the death of Sir Charles Hastings the only means taken of showing respect to his memory. Later in the proceedings, a resolution was brought forward and unanimously adopted, that a sum of money should be raised by voluntary subscription among the members of the Association, the interest whereof should be applied to the augmentation in value of the Hastings medal. This medal, it is proposed, is now to be open to the profession in all countries, and is to be accompanied with a sum of money, which, we hope, will be worthy of the Association and of his memory whose name and effigy the medal bears. The Association, too, also adopted the unprecedented, but on this occasion justifiable, course of suspending its laws for the purpose of electing as an honorary member Mr. George W. Hastings, the son of Sir Charles. The laws of the Association limit the honorary membership to members of the medical profession and therefore, under the circumstances, Mr. Hastings, as a barrister would be excluded; but his important services as Secretary of the Social Science Association, the valuable aid which for several years he gave the Association in the matter of medical reform, and, perhaps above all these, his near relationship to the revered founder of the Association, formed ample grounds for the course which the meeting followed."

#### HARVEIAN SOCIETY.

Thursday, November 2, 1865. Dr. J. B. LANGMORE, President, in the Chair.

Dr. Tilbury Fox read a paper On the Cholera in Egypt. The substance of this paper appeared in the first number of our Journal. The debate which followed the reading of Dr. Fox's paper was one of great interest, and although it took place some time since, it has lost none of its interest, and perhaps the opinions expressed are of more value, as they were given "at a time when there was no panic to bias judgment."\* At the conclusion of the paper,

Dr. Fuller observed that few of those present were so well qualified as the author of the paper to speak of the origin of the present epidemic of cholera, but for his part he could not believe that the arrival of a ship was necessary for the outbreak of epidemic cholera in any locality. Either the incubation of the disease must be very long, or it might originate through local agency, and migrate independently of transportation. Thus, he had been informed by captains of vessels, that weeks after their ships had been at sea, the cholera had broken out suddenly, and had ceased almost as suddenly. After the siege of Bombay our fleet was perfectly healthy, and no cases of cholera occurred until the second or third day afterwards, when a stinking cloud came over the fleet, and thereupon the disease broke out in all the ships, and within a few hours many men had died of cholera. Again, with regard

\* Dr. Drysdale, in preface to a pamphlet "On Cholera, its Nature and Treatment."



to the outbreak near Golden-square, which Dr. Snow and others had attributed to the contamination of the Broad-street pump-water by the secretions of cholera patients, he must say that he could not subscribe to this theory of the causation of the disease. Its appearance was astonishingly rapid; scarcely a case of cholera existed in the district until about six o'clock on the evening of the outbreak, and within the space of twenty-four hours not less than sixty or seventy persons had perished, and scores of others had been attacked with the disease. No drinking of the pump-water could account for such a rapid—nay, almost momentary—outbreak of this epidemic; indeed, he did not give credence to the belief that evacuations from the intestines of cholera patients had anything to do with the outbreak; for the pump-water was not suspected until after the disease had begun to subside in that locality, and it had been drunk by the inhabitants not only during the progress of the disease, but before the epidemic showed itself, and also during its subsidence, where the water must have been excessively charged with the cholera secretion. Dr. Fuller went so far as to question whether the rice-water secretions would produce the disease in any person, and expressed a wish that the experiment could be fairly tried. He would not be afraid to drink a pint of them. In fact, he, for his part, did not believe much in the contagious nature of cholera. Again, some persons spoke of a contagion in the air; but the disease not uncommonly progresses from place to place against the wind, and that under circumstances which preclude the idea of the transmission by human agency. To avoid this difficulty, the theory of infusorial animalcules had been used; but glycerine traps had failed to discover these animalcules. After all sorts of theory, he felt inclined to attribute the disease to some telluric influence—some agency capable, as electricity would be, of being transmitted through land and through water—acting on the organic nervous system, and so affecting it that secretion ceases. He did not believe in any distinction between cholera and cholérine; the rice stools and rice-water vomiting, the cramps, the collapse, and the suspension of the urinary and other secretions, were present in the one as in the other, and the cases differed only in their intensity and consequent fatality. He could not understand how bilious diarrhœa could be confounded with cholera, although he thought the word English cholera was a wrong one, since the disease was either cholera or diarrhœa, and could not be both. The term “sporadic” might be applied to cases occurring when the disease was not epidemic, but essentially these cases are identical with cases of epidemic cholera, and are characterised by the same symptoms. Dr. Fuller regarded the practice referred to by the writer, of giving strychnine in quarter-grain doses, or extract of nux vomica almost *ad libitum*, as erroneous in principle, and generally mischievous. So long as the state of collapse continued, it was indeed but of small importance what drug was used, or what quantity of it was given, as no absorption goes on during that stage of the disease; but if the unfortunate patient who has been drugged with large quantities of strychnine or opium, survives this, the function of the stomach would return, absorption would



commence, and he would then inevitably perish by the drugs of the doctor. His own experience of remedies in the collapse was, that they were all in vain, and he would prefer, himself, if he were in this state, to have only an occasional emetic, iced water to drink, rice to suck, a mustard bath, mustard poultices to the epigastrium, and friction with cajeput oil or some stimulating embrocation to the extremities. Hot-air baths had been praised; but the patient came out of them as cold as when he entered, and, as far as he had seen, they were useless. During the early stages he thought much good might be done by dilute sulphuric acid in full doses, calomel and ice, cold water for drink, and mustard hot baths, and mustard poultices to the epigastrium. The application of ice to the spine, which had been much spoken of lately, is not new. In India, cold douches to the back have often been tried, and proved very serviceable in allaying cramp, but not in curing the disease. In some cases warm douches proved most grateful to the patient. Neither, however, were of much value in a curative point of view.

Dr. D. Menzies thought that some of the symptoms of cholera might be compared to the action of an acrid mineral poison, such as tartarized antimony. Considering that the coats of the stomach were in an irritable condition, he combined the decoction of bark with almond emulsion in the treatment of the first case coming under his care in 1831-2, when he was employed by Government to watch the progress of cholera. The wife of a fisherman, aged forty-five, residing in an island in the North Sea, at the mouth of the Elbe, had caught the disease from her husband, who had brought it from the mainland, from Hamburg, although the man had only suffered from looseness of the bowels on the voyage. Dr. Menzies found the woman in collapse apparently beyond hope: no pulse at the wrist, with jactitation as if in case of loss of blood; rice-water stool; she had great desire for cold drinks; surface of the body cold and covered with a clammy sweat; voice gone. Dr. Menzies had recourse to the bark mixture above described, in doses of half an ounce at intervals. The patient gradually recovered her power of retaining food on the stomach. A pill was then given, calomel gr. v; pulv. op. gr. j; aromatic conf. gr. ij, and mustard sinapisms were applied to the epigastrium, with hot-water bottles to the extremities, and frictions, with diffusible stimuli. As the pulse, however, still continued to be absent, he opened a vein in the arm, but scarcely any blood would flow; he repeated the operation in the opposite extremity, and, by placing both arms in warm water, he was enabled to get away five ounces of dark thick blood: about fifteen minutes after this the pulse was felt beating in both wrists. Under gentle mercurial laxatives she came round, and completely recovered. In other cases occurring in the island, he had found the same treatment satisfactory. He had generally observed, when in the tropics, during seasons of sickness, that thunderstorms were less frequent than usual; the atmosphere was oppressive. He thought that the poison of cholera acted upon the economy through the pneumogastric nerve, and the blood, becoming surcharged with carbon, and wanting its serous part, failed to nourish the brain, &c.; hence the symptoms of collapse.

Asiatic cholera was essentially a disease of hot climates and endemic in India, and was developed by the conditions of the atmosphere before mentioned. Much depended on the direction of the wind; for he had generally observed that the disease was most prevalent when the wind was in the east. In 1855, when the disease was at Shorncliffe, having been imported thither by soldiers of the German Legion from Hamburg, he had noticed that the wind was in the east when the disease was imported. Although a non-contagionist, he thought the specific poison was undoubtedly frequently conveyed through individuals arriving from infected places, and that attendants on cholera patients were not unfrequently attacked. Hence, strict quarantine regulations should be enforced on vessels from infected places. Those attacked also should be perfectly isolated, and a *cordon sanitaire* should be kept up. Troops should be removed from the infected district; great attention should be paid to ventilation and cleanliness, and water supply. The treatment of cholera which he had found most successful in India was the administration of small portions of iced water at short intervals. This often relieved the vomiting and thirst. Also a pill containing from five to ten grains of calomel with gr. j of opium, and gr. ij of aromatic confection, was given with effervescing draughts and diffusible stimuli; sinapisms to the epigastrium, and hot bottles to the feet, with friction to the extremities. When reaction came on, mild mercurial laxatives, nourishing food, &c. Care was taken to keep the patient in the recumbent position, and the bed-pan was used. He (Dr. Menzies) laid great stress upon the quantity of iced water that should be administered. It should *not* be given *ad libitum*, but in quantities of a table-spoonful at a time. This refreshed and gave tone to the stomach. He found this treatment efficacious, whether made use of in the earlier or later stages of the disease. In some cases there were no premonitory symptoms; in others there was premonitory diarrhoea. Referring to Dr. Chapman's views, as to ice to the spine being of service, he thought these were somewhat analogous to his own views, and he thought well of the practice, since its object evidently was to stimulate the nervous centres, to relieve congestion, and impart tone to the nervous system. Mr. Sedgwick could not fully agree with the author's opinion respecting the transportation of cholera. He had himself had extensive opportunities of seeing the disease in India, and of hearing the opinions of Indian medical officers on the subject, and, whilst he agreed with the author of the paper, that India might be referred to as specially connected with the source of the disease, yet it was impossible to account for its diffusion by the contagion theory alone, or to admit that the late epidemic in Arabia, Egypt, Syria, and elsewhere, could be satisfactorily explained in the manner suggested by Dr. Fox. The contagion theory of cholera was, to say the least, doubtful; and as an argument against it, Mr. Sedgwick mentioned a case in which four members of a family residing in a model lodging-house, consisting of sixteen sets of rooms, died from cholera excited by eating roast mutton in an almost putrid state. There were seventeen other families in the same building at the time, all of whom remained free from the



disease. The rooms occupied by the cholera patients were thoroughly cleansed with chloride of lime, fresh whitewashed, and repapered, and left unoccupied for four or five weeks; but, notwithstanding these precautions, two members of the next family who came to live in them, were attacked by cholera in a mild form, and recovered. The disease showed no tendency to spread, although there was but one staircase common to all the inmates, and no quarantine regulations were observed. Mr. Sedgwick agreed with Dr. Fuller that no internal administration of drugs was of use in the advance stage of collapse. He thought that the hypodermic method of treatment might, to some extent, be available, and ought to be fully tried in the expected epidemic of cholera. Ice-bags along the spine would no doubt often succeed in producing reaction, but they might also do much harm, by inducing the secondary fever, which had been far more destructive than collapse in the late epidemics of the disease. Mr. Sedgwick referred to the absence of secondary fever in the first epidemic in India, and the almost universal treatment of cholera by bleeding at that period. Although there was now a prejudice against bleeding, yet it had been found extensively useful in this disease. He had often bled patients in the early stage of collapse with good results, the most urgent symptoms being relieved by it; and if this practice were revived, it would probably serve to lessen the tendency to excessive reaction, which had been the chief cause of death in the last two epidemics of cholera.

Dr. Broadbent expressed his astonishment at the opinions advanced by Dr. Fuller, and especially with the grounds on which he had arrived at them. There was the fact, first, that in all the epidemics of cholera it had travelled from India westward in the track of trade and, against this, which so clearly pointed to human intercourse as the means of its transmission, he adduced a number of individual cases of its apparently unaccountable appearances, as at sea, its simultaneous development in certain districts of London, &c. Equally remarkable exceptions could be brought forward with respect to disease of the most markedly contagious character, such as small-pox or typhus. In his opinion, when all possible allowance had been made for local causes and atmospheric influences, there was in the history of cholera epidemic something which could only be accounted for on the supposition of specific poison transported by human agency. Dr. Fox had done great service by tracing cholera from India to Mecca in the present epidemic. The pilgrims assembled there were fit victims for any disease; but the condition, exhaustion, overcrowding, and filth, however much they might predispose to cholera, were not those which produced this disease in its endemic habitat, India. The impression on the organic system, the nerves, spoken of by Dr. Fuller, so far from being peculiar to cholera, was an effect common to all the specific blood-poisons. As to terrestrial emanations, which had been suggested as a possible cause, no kind of analogy supported this idea. It was, in fact, confessing that he knew nothing about the cause, and it was better to say so in so many words.

Dr. C. Drysdale remarked that, notwithstanding the cogent argu-



ments used by Dr. Fuller, he could not agree to the view that cholera was not contagious, although he would be only too glad to think so. Dr. Baly's analysis and the whole literature of the subject seemed to show that the only supposition fit to account for all the phenomena was that it was contagious, and that atmospheric or telluric or hygienic causes did not usually originate the disease in Europe, but merely assisted its progress. He believed with Dr. Fox that it originated in India, and was carried by individuals to Europe. As to Dr. Snow's theory, he believed the truth to be that bad water of any kind much predisposed to diarrhoea and cholera; and certainly if cholera dejections were present, this must be reckoned the most dangerous of drinks. He did hope that Dr. Fuller would never make the experiment of drinking a portion of the rice-water stools; for, however noble and heroic such-like experiments were, they were too costly when lives were perilled by them. No one could fail to admire the heroism of M. Girard, the student at Montpellier, who placed fur from a dying cholera patient's tongue on his own tongue to encourage the attendants. The action was noble only because it was supremely dangerous. How did the non-contagionists account for the appearance of the late outbreak of cholera treading the very path that travellers most frequented; viz., from India to Alexandria, from Alexandria to Malta and Marseilles; thence by rail to Paris, and by boat to Italy? Then again appearing at Southampton on the arrival of a vessel there, and again in America on the arrival of an emigrant vessel. Dr. Simpson in Edinburgh, and Dr. Boeck in Christiania, had given the clearest proofs of the contagious character of cholera. In London and Paris, and large towns, it was very difficult to trace the origin of contagious diseases. No doubt it was desirable to prevent our people being terrified by the idea of contagion; but truth was always more advantageous for the mass, on the whole, than error. He would then, with Dr. Fox, urge upon European governments the importance of, if possible, by quarantine operations and isolation of those attacked, restraining the ravages of what was now the most fearful scourge of the human race; and if the milderpest could be, as it had been, so well kept out of south Europe by the German government, he did not despair of lessening the ravages of cholera. With respect to the hygienic means of fortifying the constitution by good food, &c., he agreed with Dr. Fox, that as long as poverty was so common as it still was in all civilised countries of Europe, little could be done in warding off epidemics. When the causes of poverty should be calmly considered and understood, instead of ignorantly and systematically ignored by those who ought, from their education, to know better, some hopes might be entertained that epidemics would in the end be less fatal. Attention to the size of families and emigration was of more importance than even ventilation, &c.; since the very poor could never secure either good food, ventilation, or any other comfort. Every effort, however, should be made to secure good drainage, ventilation, and food for the poor in the coming epidemic. With regard to treatment, the multiplicity of drugs used showed the difficulty of attaining great success with any, at particular

stages of the epidemic. In cholera, as in other diseases, the rational treatment was always the best. If the motions were brown, as in summer diarrhœa, a purge was sometimes of service. When serous diarrhœa had fairly set in, M. Velpeau's advice—viz., to use five or six drops of laudanum every two hours, on sugar—was good; and whatever remedy was used when the doctor was absent should be as simple as possible. Strychnine, belladonna, &c., were, he believed, contra-indicated and very dangerous, even in collapse, and warm applications to the extremities were the great remedies in collapse, with frictions over the body. Rest in bed and the use of milk or soup for diet was indicated. Diluents were indicated, from the extreme thirst and loss of fluids from the system; stimulants were frequently indicated. Dry cholera, or cases without diarrhœa, were most uncommon.

Dr. Greenhow said that he should confine his observations to the point suggested by the last speaker (Dr. Drysdale)—viz., the contagiousness of cholera. He had carefully examined all the evidence adduced by various writers in support of the contagious doctrine, and had had peculiar opportunities for personal observation during the last two epidemics of 1849 and 1854, and yet no real instance of the spread of cholera by contagion had ever come under his notice. Many such had, indeed, been reported to him; but on a careful examination into all the facts, every one of them had broken down. The strongest evidence in support of the doctrine of contagion was the general fact, that each severe visitation of cholera during this century had appeared to travel in a westward direction until it arrived in this country; but even this was, in his opinion, rendered inconclusive by various other facts which he should proceed to mention. The truth was that cholera was not new to this country in the present century, for it had prevailed here, although, as it would seem, in London exclusively, during the latter half of the seventeenth century, and had caused a large mortality in proportion to the population of the metropolis than any of the visitations in our own time. The disease was so well described by Willis and Morton, that no one practically conversant with cholera in the present day can doubt the identity of the two diseases. Then, again, for several years before the advent of cholera to this country in 1831, there had been an increase in the mortality from diseases of a profluvial character in London, and no less than forty-eight deaths were recorded in the bills of mortality under the name of cholera in 1831, although the disease was not supposed to reach the metropolis until February, 1832. Also during the summer of 1831 several medical men of reputation had published several cases of cholera that occurred in various parts of England some months before the earliest cases in Sunderland, where the importation of the disease into this country is supposed to have taken place in the month of October of that year. Moreover, there had not only been, annually, since that time, sporadic cases, which would certainly have been set down as true cholera, had an epidemic been prevailing at the time; but there had been several isolated outbreaks which no one had attempted to attribute to importation from abroad. Neither did an



investigation into the modern views as to the mode in which cholera is believed to spread by contagion, afford any substantial evidence in support of the doctrine. These might all be said to be founded on the theory that the dejections of cholera patients were the exciting cause of the disease. According to Dr. Snow, the swallowing of the supposed poison excites the disease just as the syphilitic virus excites syphilis. On the other hand, Dr. Thiersch considers that the dejections must have first undergone putrefaction to render them poisonous, and Dr. Pettenkofer that the dejections must act as a ferment in a porous soil already charged with night-soil, in order to the production of the cholera miasm. These several views are, however, only theories, which, although they tally in several respects with the local history of cholera, have never been brought to demonstration in particular cases; and all the evidence adduced in support of them amounts to the fact, that cholera has prevailed especially where the people respired an atmosphere vitiated by the products of the decomposition of human night-soil, or drank water fouled by the like impurities. This fact was, undoubtedly, true; but it was not true, according to his (Dr. G.'s) experience or investigations, that the presence was required in such impurities of the dejections of cholera patients, either in the recent or fermented state. Cholera being then, in his opinion, largely due to local causes, it might very properly be asked—Why does not cholera prevail every year? To this he would reply—because at least another factor is needed. During and before every epidemic of cholera in the present century, a certain meteorological condition has prevailed. The barometer has been high, the atmosphere remarkably still, the temperature, especially the night temperature, above the average, and the rainfall insufficient. It was also said that there had been a deficiency of electric movement. It was quite conceivable that in such atmospheric conditions both a different form of decomposition might take place, giving rise to unusual products, and that these latter would be retained longer in the vicinity of human dwellings. He could also conceive it possible that some other exceptional telluric influences might exist at such times. However this might be, cholera had come in 1831, in spite of a rigid quarantine; and he did think it most desirable that the attention of the medical profession, and of the public generally, should be directed rather to the removal of the local conditions, which appeared under every existing theory to be necessary to the spread of the disease, than to any attempts to prevent its importation by means of restrictions on commerce, which would certainly prove both futile and exasperating.

Mr. Curgenven was a believer in the contagious nature of cholera. We find, he said, the cholera following the course of trade. It visits Cairo, Constantinople, Ancona, instead of going to inland towns. Then it comes to Malta, then Marseilles, then Paris. From Malta to Gibraltar, and thence to Southampton, by the ship *Nianza*, on which vessel there were four deaths; yet she was only in quarantine one day. Some cases had appeared in London: one in a mantua-maker who had come from Paris, and who died in ten days. Winter had come on and



checked the disease, but it would reappear again in spring. Impure air and water will not cause the disease, but predispose those who are exposed to the contagion to take it. Certain epidemics will appear when a soil is prepared for them. Typhoid fever or cholera will ravage one side of a street with bad drains and leave the other untouched. In 1853, at the Royal Free Hospital, there was one nurse who evidently caught the disease. He had warned her after this against a second attack; but she met a cholera patient at the gate, took the disease, and succumbed. The poison germs of cholera are in the air in epidemic times, requiring only to meet a fit soil. He had witnessed three epidemics of cholera—1849, 1853, and that in the Crimea in 1855. In the last two he had trusted mainly to calomel, and would not hesitate to say that a great many lives had been saved by its use. In 1853 he was resident medical officer at the Royal Free Hospital. There the mode of administering calomel was to give a scruple or half a scruple dose, with the same quantity of powdered ginger in treacle. This in nearly every case stopped the sickness and purging at once; if it did not, the dose was repeated; and four hours after the arrest of the purging a draught was administered, consisting of an ounce of castor-oil and an ounce of tincture of rhubarb. The effect of this draught was to bring away copious evacuation, black, and of the consistence of treacle. Recovery then followed, except in a very few cases, which succumbed to the secondary fever or uræmia. The calomel was not absorbed; but he believed that its powerful alterative action was exercised on the mucous surface of the stomach and intestines, being there converted into the insoluble black oxide: it is all removed from the body by the purgative that follows. Dr. Johnson's treatment by castor-oil was tried in four cases and they all died; when it was considered unwise to proceed further as so much success had attended the calomel treatment. Almost every case that was not in a state of collapse when brought to the hospital recovered. He followed the same course of treatment in the Crimea and did not lose a single case. Opium and all drugs dependent on absorption were useless. Stimulants were rarely of any use. In the collapsed stage the treatment by salines in large doses, and frequently administered, he considered had saved a greater number of lives than any other plan. Diarrhœa was most successfully treated in 1853 by sulphuric acid and opium, and by chalk mixture with opium and astringents. In the Crimea sulphuric acid failed, when the compound cinnamon powder with tincture of catechu was found most useful.

Dr. Hart Vinen thought that the progress of cholera pointed to its contagiousness. He had seen several cases that strengthened this belief. For example, a German baker died of cholera. The woman who nursed him died of the disease, and several persons who came to see him died of it; the next door neighbours also died. In the case of the cholera outbreak of 1854, he had seen many cases where no alvine dejections could account for the disease. An old lady in John's Wood, who kept a school, was one of the first to die in that locality, and the curate also died. As to treatment, he had found

calomel in large doses and astringents the best. The ordinary astringent of acetate of lead and opium was very useful.

Mr. Owen had listened with great interest to Dr. Greenhow's address. Dr. Greenhow had shown that contagion was not necessary to the production of the disease. He (Mr. Owen) was, however, a contagionist, for he thought that that side had the best of the argument. It was hard to prove a negative; and all that the non-contagionists could say was, that the disease *might* arise without contagion. The disease in Epping lately was traced to a person who had been in Southampton, where cholera was at the time. As to the case of the student who swallowed the rice-stools, not being infected, there was no proof that another person would not be destroyed by it: his system might be proof against the poison at the time. It was well that there was a difference of opinion on the subject, as this caused the public to be less apprehensive than if all were contagionists.

Mr. Adams had been connected with St. Thomas's Hospital in 1848-9, when there were cholera wards there. Mr. Grainger's views were those of the non-contagiousness of the disease, and were then accepted as true. During the epidemic only one nurse died, and none of the students died of the disease. Mr. Adams made all the post-mortem examinations, and he could only say he did not think the disease directly contagious to individuals, although the fact of its travelling from India seemed hard to get over. No one at that time had any fear of contagion. Denudation of epithelium of the intestines occurred in all the cases where collapse was complete. As to treatment, at that time all treatment seemed alike. No one had confidence in any drugs. A pailful of water at the bedside for drink seemed the most successful. But, whilst the epidemic lasted, no one treatment prevailed more than another.

The President said he had seen a great deal of cholera in 1832 in Whitechapel. He then found most advantage from administering small doses of calomel with camphor every hour, and diluents *ad libitum*; also the application of warmth and friction, especially to the extremities. He still remained a believer in contagion, after all he had heard from Drs. Fuller and Greenhow. Mr. Sedgwick's case, he thought, was one of contagion, as the poison was evidently in the room six weeks after the other cases had left. Cholera travels from East to West, that is, follows the track of commerce, and slowly, for it never traversed the ocean at a rate exceeding that of ships, whereas influenza traversed space quickly.

Dr. Mushet avowed himself a non-contagionist. Elevation above the sea explained the immunity of some districts over others which lay by the sea and in the course of trade. In 1854, at the Marylebone Dispensary, all kinds of treatment were used. Castor-oil treatment was always fatal. Sulphuric acid seemed the best. There was a night nurse in the cholera ward who lived in it constantly, and was not attacked. Those who were attacked seemed to him to have been so because they were near the privies: in the surgical wards a man and a nurse died who were near a foul privy. The undertakers were not



affected, and they lived entirely among the dead. Another woman died of it, but she was a drunkard. He thought there was no sufficient evidence for the theory of contagion.

Dr. Greenhow remarked that in 1854 every one was a non-contagionist, and now it seemed likely to be the reverse. Then stinks were the supposed cause; now he could see that medical opinion had turned round towards contagion. As to quarantine, it must be remembered that in 1831 quarantine existed and to no effect. He did not say that the disease was non-contagious; but that he had not himself seen evidence sufficient to convince him of the fact.

Dr. Tilbury Fox, in reply, stated that time did not admit a full reply. He would only merely say that he had recently received information from the East corroborative of the origin of the present epidemic in India. Before the pilgrims arrived at Mecca, it prevailed at Aden and Mokullah. Cholera, it was strange, was unknown in Australia. Contagion was now differently defined from formerly. Thus, a ship, a pilgrim, an animal, or a moist cloud from an infected city, might carry contagion. In times of cholera it was very important to use water free from all impurities. The charcoal filter of Atkins, of Fleet-street was the best and simplest purifier of water he was acquainted with.

#### METROPOLITAN FREE DRINKING FOUNTAINS ASSOCIATION.

The seventh annual meeting of this Association was held at St James's Hall, Piccadilly. The chair was occupied by Lord Grosvenor M.P., and among those on the platform were the Hon. Dudley I Fortescue, M.P., the Hon. A. Kinnaid, M.P., the Hon. F. Byng, D Aldis, medical officer of health of St. George's, Hanover-square, and Dr. Jeaffreson of the London Free Hospital, &c. Letters were read from Lord Ebury, Mr. Hanbury, M.P., and Mr. C. Buxton, M.P., apologizing for their unavoidable absence. The annual statement of the committee after alluding to the importance of giving to the poor a full and free supply of water, stated that the efforts of the association had been appreciated by the public, as many as 8000 people having been known to drink at a single fountain in one day. More than 30,000 were estimated to drink daily in the summer at 140 fountains already erected in London, and many of these the committee believed to be working men, who would otherwise be compelled to resort to the public-house to quench their thirst. All the fountains which are under the care of the association are kept fully supplied with water, and qualified workmen are employed to visit and repair them; the condition of every fountain is thus regularly reported at the office at least twice a week and any damage is immediately repaired. Throughout the winter the committee have been increasing the number and efficiency of the fountains; eight new ones have been erected, and many private ones which had become dry and dilapidated have been repaired and taken charge of by the association. The labours of the association, however, have resulted in the expenditure of all the funds placed at its disposal, and as there are still entire parishes, densely populated, without a single



fountain, it had been compelled to appeal to the public for assistance. The report stated also that one lady, who had requested that her name should be kept secret, had sent 1000*l.* to the treasurer, and that an Indian prince had furnished a similar sum to be expended upon a fountain in Hyde-park. The association required 1000*l.* a year to keep its present number of fountains in repair. It had established about ninety-nine in different parts of London, ten of which had been erected during the past twelve months; and the total number of fountains under the superintendence of the association, including those erected by private individuals, numbered about 140.

The Hon. A. Kinnaird, in moving the adoption of the report, stated that Lord Grosvenor had subscribed 50*l.* to the association.

The resolution was seconded by Dr. Jeaffreson, who referred at some length to the inadequate manner in which the poor were supplied with water. He had found that wherever typhus existed, the insufficiency or impurity of the water supplied to the neighbourhood was a prominent sign. In a small court, for instance, near the "Elephant and Castle," where twelve houses were occupied by about three times the number of families, and where typhus was generally rife, the supply of water lasted only about a quarter of an hour or twenty minutes daily during six days in the week, and the pipe through which it was sent was exceedingly small. On Sundays, when the poor might reasonably wish to be more cleanly and more comfortable than on the other days in the week, the supply was entirely cut off. In order to obtain any water at all, the people were compelled to place whatever utensils they possessed on the ground under the pipe, while in the immediate vicinity was the sewage of the houses. He hoped that the poor would ultimately be supplied with water in their own homes, and he regretted that Parliament had thought fit to refuse an inquiry into the subject when a motion proposing such an inquiry had been brought forward.

## CORRESPONDENCE.

## THE TREATMENT OF CHOLERAIC DIARRHŒA AND INFANTILE DIARRHŒA.

*To the Editor of the JOURNAL OF SOCIAL SCIENCE.*

SIR,—The conflicting opinions which are published daily and weekly, as to the respective merits of the “eliminative” and “repressive” treatment of the above named disorder, render it incumbent upon all who can speak from positive experience of the results of either plan, to throw the weight of their convictions into the scale on that side which their judgment commends.

That being so, I feel it my duty to state the opinion which I hold upon the subject, and I am persuaded that both science and common sense are with me, when I pronounce in favour of that which is spoken of as the “repressive,” but which I prefer to name the “conservative” method of treatment.

When diarrhœa is induced by the presence of unsuitable and indigestible food, the readiest mode of cure is to get rid of the exciting cause of irritation, and this is effected by the aid of emetics or purgatives, according to the indications of the case; but when diarrhœa appears in the character of a “crisis,” or determinating issue of some other disorder—such as fever—or as a premonitory symptom of cholera, another course of treatment suggests itself.

The rationale of the matter seems to be this: diarrhœa being the result of an effort of nature to get rid of the morbid elements with which the system is surcharged, undue interference should be avoided, either in accelerating or checking the symptom. It must be remembered that emetics and cathartics have always a depressing influence; especially so at a time when an exhaustive process is being carried on which involves an effort to throw off the poison from the blood by means of diarrhœa.

This effort of nature requires, however, to be watched and kept in check, not by chalk mixtures, or other medicinal astringents, but simply by judicious dietary treatment. Among some of the most efficacious articles of diet for that purpose would mention the following: good beef tea with rice boiled in it; gruel containing brandy; port wine mulled, and ground rice well boiled; cinnamon may be added with advantage to any food or drink to which the flavour is suitable.

The value of these articles of diet is this, they combine the *astringent* with the *nutritive* properties—a most essential consideration in the treatment of diarrhœa; for it seems rational to suppose the best method by which the poison can be driven out, to supply the blood, through the stomach, with new and wholesome elements.

We can understand that this treatment is eminently “conservative,” inasmuch as it economises the life powers; and the system is thus enabled to throw off the disease without the amount of sacrifice to health and strength which the eliminative process demands of it.

I cannot close these remarks without some reference to “infantile diarrhœa,” a disorder which, apart from any choleraic visitation, is always most destructive of infant life during the summer months. The Registrar General’s return for one week (at commencement of August) showed that “of 349 deaths from diarrhœa, 309 were those of children under 5 years of age, including 244 infants.” One of the saddest experiences of the sanitary philanthropist is the fact that this excessive infant mortality is in a great degree preventible; but that reflection has its hopeful side also. If we can but apply the right means of prevention, the mortality from this cause may be reduced, and, what is more, a large amount of sickness—which is always associated with, and over and above, a high death-rate—may be avoided.

If poverty were the chief cause of this fatality amongst children of the labouring population, the remedy would not be so simple; but it appears to me that ignorance is a far more prolific source of the majority of infant deaths than any other which is possible to suggest. If we can disseminate information respecting the simple laws of health, a great step will be gained towards remedying the evil. On the subject of infant-feeding, poor parents are lamentably ignorant; and injudicious food is poisonous to the infant constitution, predisposing it to various ailments, which, if they do

always prove fatal, sow the seeds of ill health and infirmity for a lifetime. Considering how simple and inexpensive is the proper food for infants, there is really no reason why every child in the land should not be WELL FED, in the true sense of that term. With regard to the special subject in hand, viz. "diarrhœa and its dietetic treatment," a most valuable food would be found in ground rice: if well boiled, and a little good milk added, it would form a very nourishing diet, at infinitely less cost than the food which is daily consumed of a most injurious kind by the children of the poor.

As a charitable investment, I would recommend the laying in of stores of rice by boards of guardians, and by benevolent individuals who may delight in acts of private charity.

I believe that a hundred-weight of rice can be obtained at the cost of ten shillings; and, considering that a pound of the ground article would be sufficient to feed daily a dozen children, a very simple calculation will suffice to prove the "economy" of the plan, in more senses than one.

I am, Sir, yours obediently,

July, 1866.

M. A. B.

### HEIGHT OF WATER IN WELLS.

*To the Editor of the JOURNAL OF SOCIAL SCIENCE.*

DEAR SIR,—I am desirous of having periodically the height of water in wells, for the purpose of tracing the variation of height with the rainfall and with epidemic diseases, particularly cholera and typhoid fever.

Professor Pettenkofer, of Munich, asserts, "that neither of these diseases will spread excepting under certain conditions of water level in each subsoil."

If there be any well in your neighbourhood under your control, I should feel glad, during the continuance of cholera, if you would favour me with the height weekly, and after its cessation, monthly. Or if there be any in your neighbourhood not under your control, if you would mention my wish to the proprietor of the well, and ask him so to favour me, I should feel greatly obliged. I should like to know the whole depth of the well in the first instance, and the distance to the surface of the water periodically afterwards; and if those particulars are known for past periods, any period is known when the water in the well was remarkably low or high, I could be glad to be favoured with such information.

I am, dear Sir, faithfully yours,

JAMES GLAISHER.

Blackheath, August 4, 1866.

### THE "BLUE MIST."

*To the Editor of the JOURNAL OF SOCIAL SCIENCE.*

SIR,—As you have drawn some attention lately to the appearance of a "blue mist" at the present time, particularly noticed by Mr. Glaisher, and connected by him with the cholera outbreak, will you allow me to make a remark bearing upon the nature of the mist, which I think may prove to be of public interest? It was suggested by Mr. Glaisher that it would be desirable to make an examination of the "mist" by means of the microscope, and accordingly I used the following means for obtaining any particles which might be present in the air, in order to examine them. First, slips of glass were cleaned and exposed under trees where the blue mist was observable. Second, a pane of window glass was cleaned and exposed to the mist for ten days at Hampstead; the translucent film which had collected on it was removed with pure boiled water and a clean brush. Third, a pair of bellows, carefully cleaned, was made to blow the "mist" for half an hour through a small bottle of perfectly pure water. The sediment from the water and the slips of glass were at once examined, besides a few direct scales and dust grains. In all three cases a great abundance of minute granular aggregations was seen, the largest of the granules not exceeding the 6000th of an inch in diameter. The granules were highly refractive, and presented all the characters of fungoid growths, being similar to the spores of the yeast plant and other molds. The abundance of these spherical granules, sometimes grouped in chains, was very noticeable.

In a paper read by Mr. Jabez Hogg to the Microscopical Society of London, I find



that during the cholera visitation of 1858, the Rev. Lord Godolphin Osborne obtained these fungus-spores from the neighbourhood of cesspools, gullyholes, &c., and termed them *aerozoa*. Mr. Hogg has himself observed them ever since that time in all places and at all seasons, and remarks that there is no doubt that at the end of hot weather and in the autumn-time they are most abundant.

There is no evidence whatever that the fungus-spores noticed in the "blue mist" are peculiar in their nature, or connected in any way with cholera. The only thing remarkable about them is their very great abundance, which, though by no means great as to lead to the belief that they actually compose the mist, may perhaps account for its density and greyish or "light blue" colour. I may remind some of your readers that "blights," or dense mists carrying innumerable fungus-spores, are not uncommon local occurrences, resulting in the disease and destruction of many crops.

I am, Sir, your obedient servant,

Hampstead.

E. RAY LANKESTER.

## PROFESSOR ROLLESTON ON CHOLERA.

*To the Editor of the SPECTATOR.*

SIR,—There is one sentence in your last week's exposition of Pettenkofer's views on cholera, which I do not feel sure that the Professor himself would agree to. It is this: "It comes, then, to this, that any town which will go to the expense of having all its streets and houses well secured, and securing for its citizens a constant supply of pure drinking water, can thus secure for itself, according to Professor Pettenkofer's theory, perfect immunity from the attacks of cholera?" A town which has taken these precautions may, I think, according to Pettenkofer, still be amenable to attack of cholera; for if its subsoil is porous, it may still retain in its superficial placed strata much of the impurity with which the anti-sanitary arrangements of our forefathers saturated their surroundings. According to Pettenkofer, five conditions two of which depend on personal and three on local causes, are necessary for the spread of cholera. The first personal condition is the presence in the place in which cholera is to spread of the particular and specific cholera poison, cell or ferment, which originates in the *rejectamenta* of choleraic patients, and also in the *excreta* of healthy persons who have come from choleraic districts. The second personal condition is receptivity or susceptibility, often self-superinduced, of the person to be infected. The first local condition is a porosity and permeability to air and water of the subsoil. The second is the presence at a greater or less depth from the surface of this porous subsoil of what Pettenkofer calls *Grundwasser*—though he tells us that his opponents will not use his nomenclature—and what we call "springs," and also "landsprings" or "subsoil water." This second local condition is specially deadly when the level of the "springs" or of the "landsprings," as the case may be, has just fallen unusually low, after having been previously unusually high. The third local condition without which the diffusion of cholera is impossible, is the presence, more or less diffused, in a subsoil of the character specified, of those organic matters which modern sewage whirls away from our precincts, but which ancient slovenliness left to fester all around its houses in cesspits and middens. Now in this, as in many other cases, the sins of the fathers are visited upon the children, and soils may retain for almost indefinite periods the taint of organic impurities which were allowed to soak into the earth even generations ago. A greater greenness in the growing grass or corn enables us to recognise even now the graves at Culloden, and indeed the burial-places of yet our British warriors, who knew as little of the broadsword as they did of the bayonet. Now, it is possible that in extreme cases such as these, the greater exuberance of vegetation may depend upon other conditions than that of its finding putrefied organic matter to feed upon in the soil; but it is impossible to escape from the evidence which goes to show that animal, and specially human life, may be seriously affected by the disturbance of organic matters which have lain in the earth undisturbed for very long periods. We have the excellent authority of Vieillot for saying that an epidemic was caused in Auvergne by the opening of an old cemetery, and similar histories are not wanting in the records of our East Indian medicine. The facts that London churchyards help to destroy life by their exhalations, whilst vegetable life may remain dormant yet alive for ages when buried in the earth, may seem unlike enough to each other, but they are really alike, inasmuch as they both

show that the earth beneath and around our houses may harbour and preserve organic agents in a condition from which they may arise and prove potent for mischief for periods which are practically indefinite. Finally, Pettenkofer's own words are, "A considerable time, even many years, must pass before the organic matters in the soil are so changed and decomposed that the cholera germ can no longer develop itself when the other necessary conditions are present." The sewerage of Vienna and Munich, he goes on to say, is a most desirable thing; but he advises us, in the contingency of the impending of a cholera epidemic, to put our trust in means which tarve the cholera germ by destroying the alkalinity of the sewage. Let us, he might say, by all means avoid any further impregnation of the earth around our dwellings with sewage; but it would be as foolish for us to expect that by putting sanitary measures and sewage in force on the spur of the moment we can nullify the impurities which years of neglect have accumulated and infiltrated all around us, as it would be for a repentant drunkard to expect that his fluids and tissues would become instantaneously renovated on the instant of his taking the pledge to total abstinence. Much good may, it is true, be done even at the moment by abating local nuisances; but they can only be abated at the moment, they cannot be nullified; whereas the personal element of a specific poison can be nullified and destroyed in the *rejectamenta* by the employment of acidifying disinfectants. Sanitary measures and systems of the kind specified in your article may or may not prove, ultimately, to be omnipotent against epidemics; but if they are to have this power, they must have time allowed them to acquire it in. The best case may be injured by an overstatement; and I think it is an overstatement of the virtues of sanitarian reforms to say that towns perfectly watered and supplied with perfectly pure water are perfectly safe against cholera. But the overstatement may become a just statement of the case when we add to it the qualifying clause, "if these arrangements have been at work for a sufficiently long time."

I take this opportunity of saying that Pettenkofer's views, of which, as expounded in his own "*Zeitschrift für Biologie*," a sketch appeared in the *Standard* of Monday, August 6, are now accessible to the reader of German in a shilling pamphlet, published in Munich, under the joint editorship of himself, of Dr. Griesinger, of Berlin, and of Wunderlich, of Leipsic, three names of very high rank and authority in German, and, indeed, in all medical literature.

There is little added in this pamphlet, and nothing that is contradictory to the views which are put out at much greater length in Pettenkofer's *Memoirs* in the "*Zeitschrift für Biologie*," but the following four or five points, specially insisted upon in the smaller publication, deserve notice at the present crisis.

In the pamphlet, which bears we may say the title "*Cholera Regulations*," special stress is laid on the importance of employing for the disinfection of sewage some one of the different metallic salts, and particularly for several economic as well as chemical reasons the sulphate of iron, which will keep up in it an acid, in preference to the chloride of lime, which possesses and produces an alkaline reaction. For actual experience has shown that a particular atmosphere is necessary for the life of the cholera germ, and this particular atmosphere is furnished by the alkaline exhalation of decomposing human sewage. The establishment of *Observirungs-spitals* for persons affected with premonitory diarrhoea is recommended in the pamphlet as well as in the papers published in the *Zeitschrift*. Four per cent. only of persons so affected and removed to "Houses of Observation" were found to pass on into confirmed cholera — result sufficiently confirmatory of the recommendation. But in these days, when English doctors and doctrines differ so widely as to treatment, it is important to say that the Germans, like most of our East Indian practitioners, recommend small doses of opium as the best medicine for precursory symptoms.

That it is now universally allowed that choleraic *excreta* are the source of the specific cholera germ may be seen from the literary fact that a dispute as to the first discoverer of the all-important fact, "*a Prioritäts streit*," as the Germans call it, has been ranging for now more than ten years on the Continent. The safety which, by acting on the obvious corollary of this result and disinfecting their *excreta*, we can insure to ourselves, is as great as that which a complete (and impossible) quarantine would have secured, or as that which a non-porous, non-springy, non-contaminating subsoil does actually confer.

The language of the German Professors seems intended to convey the impression



that drinking water may, when it is impure, favour the spread of cholera rather by its general anti-sanitary powers than by becoming the vehicle for the specific cholera germ. But they do not positively declare themselves, at least in this pamphlet, to be opponents of Dr. Snow's explanation of such facts as those put on record by the Registrar-General in the papers of this day.

Of season and of temperature, as influencing the progress of cholera, our Professors say nothing. But it is obvious that according to their views the influence of heat and of cold, which latter we are now hoping for, can count but for little except indirectly. Heat promotes evaporation of moisture, and so will in many soils lower the level of the *Grundwasser*, and it favours certain decompositions which render the soil alkaline, whilst cold works in precisely the opposite direction. And so far, but no farther, our common opinion is correct. In chilly, and therefore by virtue and help of the Gulf Stream, rainy England, cholera and typhoid fever are summer and fine autumn diseases; but this seasonal distribution does not hold good in by any means all other countries, nor even in this always.

I am happy to be able to say that the system of disinfection so strongly recommended, and carried out with such gratifying results in Germany during the severe epidemic of last year, is being put into operation throughout this city, under the superintendence of Dr. Child, the Medical Inspector of our Local Board of Health. A somewhat similar system of disinfecting has been carried out and, I presume, is still being carried out in Bristol during the present month, and the cholera which broke out there at the beginning of this month seems, according to the Registrar-General's Report of this day, to have ceased there. It is very probable, though possibly not a matter of demonstration, that the attainment of this result has been due to the labours and energy of the two well-known medical advisers of Bristol, Drs. Budd and Davies. And it is well to say that both the theory and the practice of the former of those gentlemen have been laid before the public in a small pamphlet, a perusal of which, by showing the almost entire unison and harmony of the advice given by Dr. Budd in the west of England, and by Professor Pettenkofer in the south of Germany, ought to prompt the dullest and the most sluggish to follow their recommendations.

For as it seems to me, the system of disinfection as a means of prophylaxis against cholera has at once the strongest scientific and the strongest moral claims upon our attention at the present moment. As to its scientific claims, the theory upon which it is founded reconciles and explains much that was previously obscure, confusing, and contradictory in the etiology of the disease, and in the few cases in which it has as yet been found practicable either in Germany or England to put it to the test of actual experiment, the results which it was predicted would ensue upon its application have actually occurred. In a moral point of view it has even stronger claims upon our attention in a world in which and in a matter in which "probability is the very guide of life." At the present moment no other practicable means for prophylaxis on the large scale has even been hinted at.

The otiose scepticism which is content to deny and disbelieve overtly and genial enough, everything which it has never chosen to examine into, becomes at a crisis like the present simply a public offence.

There is a larger and less amusing class of men whose minds are just active enough to make them good at objections without making them good at anything else. At the present, as on most other occasions, such men content themselves with making suggestions in the helpful negative shape familiar to them, and they warm into sympathy with investigation only so far as they hope to see our present means for doing good superseded in the progress of discovery, and those who have availed themselves of such imperfect light as they could at the time obtain, discredited thus as clumsy bunglers. Such persons are more powerful just now than under ordinary circumstances for provoking anger; in a population which knows itself to be mortal, they are fortunately less powerful for producing mischief.

I am, Sir, your obedient servant,  
GEORGE ROLLESTON

Oxford, Wednesday, August 22, 1866.

[We have taken the liberty of extracting this very important scientific and practical letter from the columns of the *Spectator*, and commend it to the thoughtful study of our readers.]



## COMMENTS ON THE SANITARY ACT, 1866,

WITH ESPECIAL REFERENCE TO THE ADMINISTRATIVE MACHINERY CONSTITUTED BY FORMER ENACTMENTS, AND SUGGESTIONS FOR ITS IMPROVEMENT IN A FUTURE CONSOLIDATION OF THESE STATUTES.

BY H. W. RUMSEY, ESQ., CHELTENHAM.

THE beneficial provisions of the new Sanitary Act have been described with more or less fulness of exposition and exactness of detail in the chief periodical publications of the past month. Seldom has an enactment been received with more general approbation or with milder criticism. To the late as well as to the present Government, and especially to the Medical Officer of Privy Council, belongs the credit of a very serviceable piece of legislation. But to the recent outburst of Cholera in the east of London are we indebted for some of its more peremptory directions—measures which Parliament might not have been so easily persuaded to adopt at a time when no immediate cause for public alarm existed.

Some brief notice of the main features of this Act may be expedient before treating of those defects of our sanitary legislation which are now made even more conspicuous.

(a) The Act provides more clearly and precisely than before for the construction and use of public sewers, for the drainage of houses, for public supplies of water, and generally for the removal of nuisances and causes of disease; while it confirms and enlarges the powers of local authorities in respect of such measures.

(b) It adds to the list of Nuisances specified in former Acts three or four very serious abuses—as the over-crowding of houses and lodgings, the dirty, unwholesome, and ill-ventilated condition of certain factories and workshops, and the smoke of trade-furnaces—but it exempts the smoke of private dwelling-houses.

(c) It obliges “nuisance authorities” to make periodical inspection of their districts, to ascertain the existence of nuisances, and to direct their removal. Local authorities *may* now check the spread of epidemic disease by compelling the disinfection and cleansing of houses, lodgings, bedding, and other articles.

(d) The conveyance of infected persons by public carriages,

and by ships or boats, is brought under legal control. "Sewer authorities" in the provinces, and "Nuisance authorities" in London, *may* provide hospitals for the reception of the sick; and a magistrate *may* order the removal of persons suffering from infectious disease and having no proper lodging or accommodation, to a hospital, with consent of its superintending board. Nuisance authorities also, with the sanction of Privy Council *may* provide for the removal of such patients from ships to hospitals on land.

(e) Nuisance authorities are empowered to provide places (mortuary houses) for the reception of corpses, and for the performance of *post-mortem* examinations ordered by the coroner. A magistrate (on medical certificate) may order the removal thither of any corpse which is being retained among the living or otherwise endangers the health of inmates of the same house.

(f) Ships and vessels lying in rivers, harbours, and near the sea coast, may be brought under the jurisdiction of the nearest "nuisance authority." This is a curious method of extending the areas of local administration.

(g) Permission is given to bring "tenement" houses—*separate* lodging-houses—under legal regulations, somewhat similar to those which at present apply to *common* lodging-houses. The Secretary of State *may* empower a "nuisance authority" to make regulations for the registration, inspection, structural improvement, and cleansing of such houses, and for limiting the number of inmates; and magistrates may close such houses if the regulations are repeatedly disregarded, and if two convictions are obtained within three months against the same premises.

Those provisions of the Act which have excited the most attention are the two following:—

(h) The Secretary of State *may* direct a chief officer of police to institute proceedings for the removal of nuisance if the local authority has neglected its duty; but no premises may be entered by the police without either the consent of the occupier or a magistrate's warrant.

(i) When complaint is made to the Secretary of State that a local authority has "made default," whether in constructing and maintaining sewers, or in providing a wholesome and sufficient water-supply, or in enforcing the Nuisances Removal or Local Government Act; and if, after due inquiry, he is satisfied that the authority has been guilty of the alleged default, he is directed to limit a time for the performance of the duty; and, if it be not performed within that time, to appoint persons to perform it at the cost of the locality. In a subsequent part of this paper will be found a few observations on these remarkable provisions.

visions, which mark the commencement of a new era in sanitary legislation.

It is unnecessary to notice several other details of a less important character. The whole measure has been fully described, and its numerous clauses explained, in a recent official publication.\* Its most interesting sections were also printed in full, in the last number of this journal.

I now proceed to point out what I conceive to be fundamental errors and deficiencies in the machinery of sanitary administration. They may be classed under two heads:—

I. Those which concern local sanitary authorities;

II. Those relating to the skilled officers appointed by those authorities.

The following remarks and suggestions are confined to administrative arrangements in the ten extra metropolitan statistical divisions of England and Wales, and apply only indirectly and undesignedly to the London division, and the machinery constituted by the Metropolis Local Management Acts.

I. I shall endeavour to show, in the first place, that the local authorities, concerned in the administration of sanitary laws throughout the provinces, are too many in number and too various in kind; that they are dissimilarly and imperfectly constituted; that their jurisdictions are ill-defined, and their limits of authority unconformable and often at variance; that they are wholly unfit to fulfil the more important duties and responsibilities which are committed, or proposed to be committed, to them. I then propose to discuss their relations to the central authority, and to conclude this part of my subject with suggestions for an improved constitution and organisation of local sanitary authorities.

### KINDS OF AUTHORITY.

The Sanitary Act, 1866, recognises three kinds of local authority.

1. *Sewer Authorities*; which, according to sec. 2, are certain bodies (and those only) specified in the schedule to the Sewage Utilisation Act of 1865; namely, (a) Town Councils of boroughs, (b) Town Commissioners or Trustees under local Acts, (c) Vestries acting for single parishes.

2. *Nuisance Authorities*; which, according to the Nuisances Removal Acts, as amended by this Act, sec. 17, are as follows:—  
(a) Local Boards of Health, (b) Town Councils, (c) Town

\*"The Sanitary Act, 1866, with an Introduction, Summary, and Index." By J.B. Hutchins, Esq., of the Medical Department of the Privy Council.



Trustees or Commissioners, (d) Boards of Guardians for Unions in places where there are none of the preceding authorities, or (e) Overseers of the poor of parishes where there is no Board of Guardians, and (f) Justices acting in Petty Sessions.

3. *Local Boards* are also specified; but it does not appear that there are any local Boards under the Public Health and Local Government Acts which may not be included in the previous categories, and which may not be always both sewer authorities and nuisance authorities.

### CONSTITUTION OF LOCAL BOARDS.

The *constitution* and *composition* of these various administrative authorities is acknowledged by all independent observers to be defective and generally unsuitable for the execution of sanitary measures.\*

With the single exception of Boards of Guardians, which are only "nuisance authorities," none of these bodies contain members who are not chosen ultimately by ratepayers or burgesses, but the *qualifications* required for membership, under various Acts of Parliament, differ materially for each kind of Board. In boroughs under the Municipal Act, members of the local authority must be burgesses; in large boroughs, they must either possess property worth 1000*l.*, or be rated at not less than 30*l.* in smaller boroughs, the property qualification is 500*l.*, the rental qualification 15*l.* In Local Boards of Health, not being Town Councils, the property qualification is 1000*l.*, the rental 15*l.* In towns, under Trustees or Commissioners, the qualification is sometimes the same as for Local Boards of Health, but the amount varies under different local Acts.† In Unions, the guardians must possess a tenant qualification, the *minimum* amount of which is in each case fixed by the Poor-law Board but is not to exceed a rental of 40*l.* In some rural Unions much lower rental is named. In parochial vestries, I believe the only qualification is the payment of poor-rates.

The *disqualifications* for membership of Sanitary Boards are no less open to remark than the qualifications. In boroughs all ministers of religion are expressly excluded from the local governments.

\* The composition of the London vestries has been analysed by Dr. Jeaffres. The proceedings also of these Boards have been exposed by that gentleman, by Mr. Rendle, and by many others. The average competency of ratepayers and their average motives of action do not essentially differ in London and in the provinces. The influence of the lower class of ratepayers and small owners upon the proceedings of local Boards has been well shown in a series of articles on the "Black Country," recently published in the *Birmingham Daily Post*.

† In Cheltenham, the qualification is property to the amount of 1000*l.*, or a rental of 40*l.* The scale of voting is plural, and women may vote.

On political grounds, such exclusion is doubtless proper and reasonable; but in the matter of sanitary management, it deprives the local authority of the aid and counsel of persons who are generally well acquainted with the condition and house accommodation of the poorer classes, and whose cultivated intelligence could scarcely fail to prove of use in the local deliberations.

Persons who hold office under the Board, or who enter into contracts with the Board, are very properly disqualified; but shareholders of water and gas companies are exempted from this disqualification, although they derive a direct profit from the contracts of their respective companies with the Board. Serious abuses have resulted from this exemption. The grievous exactions of water monopolies are supported by their shareholders sitting on local Boards, and the companies, by procuring the election of shareholders, have obtained an improper influence in sanitary management—an influence often prejudicial to the public interests.

In the first Bill for Town Sewerage and Water Supply brought in by the late Duke of Newcastle, then Earl of Lincoln, in 1845), there was a distinct provision prohibiting any shareholder of a water or gas company to act as a “commissioner” in any matter relating to any contract between the commissioners and such company or concern.\*

### WATER SUPPLY.

Having touched on the question of water supply, I have here suggest the importance of transferring the management of all public supplies of water from companies, which are *dealers* in water, to local sanitary authorities, which represent the *consumers* of water and payers of the water-rate. Some legal provisions for facilitating the purchase and compelling the sale of waterworks held by companies, might help to destroy an indefensible and injurious monopoly, and so enable the community to appropriate the full benefit of the outlay.

The demand for an improved water supply is growing louder and more general throughout the country, in proportion to the progress of land drainage and to the increasing pollution of brooks and rivers by the larger influx of sewage and town refuse. For this and other reasons, the task of providing water for crowded populations is becoming more and more difficult.

The local Board of a large town has for its chairman a gentleman who is also chairman of the Water Company. As I am informed, the charges for water are exorbitant, the water-rates averaging one shilling or more in the pound; the supply is often insufficient and indifferent, and redress is impossible, as long as the interests of the Water Company are so powerfully represented at the local Board.

Hence, to vest powers of water supply in petty authorities, acting within narrow jurisdictions, must, in the majority of cases, frustrate the purpose of legislation.

To discover, seize, and utilise sources of water, to meet the lawful claims of owners and others on existing supplies, to preserve and protect watercourses from injury and defilement, and to economise the consumption of water, are among the very serious difficulties and responsibilities which are now to be encountered in this department of local administration. These are matters which require the exercise of great judgment, discretion, and energy, and which, therefore, are more likely to be managed successfully by authorities of superior constitution, acting in wider jurisdictions, with larger powers and more social influence than can be wielded by any small local Board or parish Vestry.

#### QUALIFICATIONS OF MEMBERS OF LOCAL BOARDS.

It appears that while the amount of qualification by property or rental, for membership of local Boards, differs considerably (according to the kind of authority, and for the most part according to the wealth and size of the district), no security has been taken for the possession of intellectual competency, aptitude for public business, or zeal for sanitary improvements. Nor does there exist any clear and distinct legal provision for adding to the rate-paying interest persons specially qualified by education or by scientific pursuits, or by knowledge of social condition and requirements, or by practical experience in sanitary management, or by freedom from personal interest in house property or commercial establishments and trades which may obstruct sanitary progress.

The only local authority containing magistrates as *ex-officio* members is now to be superseded by councils and vestries which may not have the advantage of aid from the magistracy, and from which, in boroughs, the clergy are specially excluded. In the new Act, it is true, "sewer authorities" are empowered (sec. 4) to appoint certain committees (the objects of which are not specified), to alter their constitution, and to increase the number of their members. They are permitted also to *determine the qualifications* of the persons to be thus added. They may accordingly, define such qualifications on most opposite principles in different places. Again, it is not stated whether they may or may not add persons disqualified by former Acts. If it be the object of this provision to procure the co-operation of persons possessing the special qualifications before mentioned, that object has not been expressed; nor does the Act contain any guarantee, direct or indirect, for its fulfilment. The pro-



bilities are that fit and proper persons will rarely if ever be added to these committees.

I propose, therefore, that the Privy Council, or other central authority, should be empowered either to define the qualification of persons to be added, or itself to select and add duly qualified persons to the said committees, in case the local authorities fail to do so.

The Sanitary Act, 1866, as before noticed, annuls the sanitary powers of Highway Boards and Nuisance Removal Committees, constituted by a former Act, and discards them as "nuisance authorities." But no provision is made for transferring their powers to the *Boards of Guardians* of the Unions which contain the defunct authorities. Yet this would have been a reasonable course to pursue.

The duration of the *tenure of seats* in different kinds of local board deserves a passing notice in this place. The members of some of these bodies vacate their seats annually, of others triennially; but in no case is there any check upon the re-election of useless or obstructive members, nor is there any security for the continuance in office of able and tried guardians of the public health.

### AREAS OF LOCAL ADMINISTRATION.

The areas of jurisdiction of the various local bodies, already described, differ exceedingly in extent; some being merely single parishes, townships, or even hamlets; others comprising populous boroughs and great cities; and others again consisting of Poor-law Unions. The jurisdiction of one authority not uncommonly encroaches upon the district of another. "The powers given by the Sewage Utilisation Act cannot be exercised in any parish in a part of which either the Local Government Act or the Public Health Act was in force on June 2 1865."\*

A local Board may act independently within a larger jurisdiction. A sanitary district (*e.g.* a large borough) may include parts of two or more sanitary jurisdictions of other kinds. Small parishes, and even parts of parishes, have been formed, under existing legal provisions, into separate districts for sanitary management by request of the inhabitants, whose principal motive seems to have been to limit the action and escape the control of some neighbouring jurisdiction, and to avoid being included in a wider district.

The late Home Secretary, in advocating an amendment of the Local Government Act, in 1863, stated that some very small

\* Mr. Hutchins on the Sanitary Act, 1866, p. 5.

places had adopted it,\* namely, 22 districts with less than 100 inhabitants, and 130 districts with between 100 or 150 inhabitants, in order simply to evade the operation of the Highway Act, and without any intention of carrying out the objects of the Public Health Acts.

The smallness and separateness of the jurisdictions created by various sanitary enactments, have in a multitude of cases prevented the application of the intended remedy. A nuisance originating in one place, but only aggrieving another place, is seldom removed; nobody in the faulty locality finds cause for complaint, and the local authority of the suffering parish cannot act within its neighbour's boundary, and so the nuisance remains. Even if two or more small districts should arrive at an agreement about some specific evil, the law at present provides no summary method for united action. Notwithstanding the discontinuance of Nuisance Removal Committees and Highway Boards, several kinds of local authority are still permitted to co-exist, independently of each other, within the same limits of jurisdiction. Thus, a union of parishes (the Board of Guardians itself being a nuisance authority) may contain within its boundary a plurality of sewer authorities, nuisance authorities, and local Boards.

The new Act adds another kind of jurisdiction—namely “Special Drainage Districts,” to be managed by distinct Sewer authorities. The provisions for these Special Drainage Districts appear to involve the entire administrative separation of such districts from the larger jurisdictions in which the places were before included. Instead of thus dividing and narrowing the areas of sanitary districts, I submit that it would be far better to provide for their extension and enlargement, and that especially for purposes of drainage and water supply. It seems to have escaped consideration that special works, and assessments for the cost of their execution, may be confined to portions of districts without establishing a separate local government for every such portion.

In the principal river-basins of England, and in districts containing or adjoining ranges of hills, almost every parish or place has its natural connexions with other places at different levels. All parishes so connected ought, if possible, to be included under one Board of Management for sanitary objects.†

The wider the jurisdictions (within reasonable limits) for sewerage and water supply—especially as concerns the *distribution*

\* Glen's “Law of Public Health, 1865.”

† There are curious instances in the neighbourhood of Cheltenham of the evil—e.g. conflict of authority and litigation—caused by the too limited jurisdiction of a sewer authority.

of sewage and the *sources of water*—the better will be the plans, the more perfect the engineering works, the more effective their practical results. To limit the sphere of a local government to the particular place in which a special work is required to be done, without reference to the bearings of that work upon neighbouring districts, is little less unreasonable in principle and inconvenient in practice than it would be to confine powers and assessments for building and repairing Bridges to the parishes in which they are erected.

Towns (except the largest), whether municipal boroughs or under commissioners, &c., are generally only parts of more extensive districts, under the control of another kind of “nuisance authority”—*i.e.* Unions. In these cases, the town jurisdiction has been made (by the Nuisance Acts) to supersede altogether the poor-law and statistical jurisdiction, banishing the limited sanitary powers of the latter into the outlying parishes and hamlets. And now, under the Sanitary Act (Part II., relating to Nuisances), a Board of Guardians may act as the authority for a district to which the former part of the Act cannot be applied by the same authority *in England*. This is the more singular, inasmuch as *in Ireland* Boards of Guardians are to be the Sewer authorities for parishes outside of towns. Again, the Nuisance authority may be empowered (sec. 35) to make regulations for lodging-houses in cities, boroughs, and certain towns, *but not in Unions*. It is no valid reason for such exceptions, and the overcrowded condition of many cottages, occupied by lodgers in rural districts, indicates the necessity for universal application of the remedy.

The existing medley of local Boards and jurisdictions has become a fruitful source of rivalry, opposition, and impediment to sanitary action. The conflict of petty authorities has led to divided and therefore weakened responsibility; it has fostered indifference, if not resistance, to the demands of the wiser inhabitants, and it has often resulted in neglect of the professed and prescribed objects of sanitary administration.

It may, for these reasons, be safely concluded that the cause of public health has suffered serious detriment from the employment of a multitude of small and complicated jurisdictions, originally formed for other purposes, in isolated groups of population. The Sanitary Act provides no remedy for this evil, which, indeed, is likely to be aggravated by the too limited extent of its new Sewer authorities.

#### CONSOLIDATION OF LOCAL SANITARY JURISDICTIONS.

The principle of combination has been repeatedly recognised, but never fairly or successfully applied, in sanitary legislation. By section 27 of the Local Government Act, districts which



adjoin each other may unite together upon such terms, and subject to such conditions, as the respective local Boards may, with the sanction of a Secretary of State, determine; but this provision of the Act is said to be extremely difficult to construe,\* and I am not aware that it has ever been practically adopted. Also, by the Sewage Utilisation Act, sec. 9, two or more Sewer authorities are permitted to combine for the purposes of the Act, but they are not compelled to do so; and any spontaneous action of the kind being in direct opposition to all parochial tendencies, these permissive enactments have generally proved inoperative and useless.

The principle of combination is more correctly expressed in the new Act, sec. 40, by which the Privy Council may require two or more Boards of Guardians to combine for the purpose of executing the Diseases Prevention Act, and for that only; but there is no permanent or really effective provision for consolidating the jurisdictions or harmonising the action of the several local authorities which may exist in every large or populous district.

That the "sewer authority" and the "nuisance authority" of each district ought to be one and the same Board, may be inferred from the notorious fact that sewer authorities have hitherto been the foulest nuisance-factors in the kingdom. The best method of curing this abuse seems to be suggested by a principle of known value in the choice of detectives. Until the makers and managers of sewers are compelled to prevent the creation of particular nuisances by being themselves converted into "nuisance authorities," and subjected to the responsibilities of such authorities, it is to be feared that rivers and water courses (unprotected by special enactments as the Thames is now to be) will continue to be polluted, the natural water supply of the people will remain incurably affected, and some of the greatest offences to civilisation will continue to be upheld by authority.

### EXTENDED AREAS OF HABITATION.

In no public undertaking is an enlargement of the areas of sanitary jurisdiction more urgently called for than in providing house-accommodation for the working classes, especially for such as are evicted by railway companies and town improvers.

The physiological and economical reasons for diminishing

\* Glen's "Law of Public Health," p. 14.

By the following section (28), any local Board may execute works in an adjoining district, with the consent of the local authority of that district, and upon terms agreed upon between them. But the enactment is merely permissive, requiring a spontaneous action or assent of two Boards; a result hardly ever to be reckoned on.

density of population in crowded districts, as well as the principles and methods of public action by which this desirable change might be effected, were treated of in my "Remarks on Legislative Measures now in Progress concerning Dwellings for the Labouring Classes."\* Since that publication, the Artisans' Dwellings Bill has passed the ordeal of a Select Committee of the House of Commons without undergoing any real amendment of its most objectionable features. Among the professed purposes of that Bill, the first was to provide the labouring classes with suitable dwellings "situate within the jurisdiction of the local authority." In thus restricting and confining Site, without extending Jurisdiction, consisted the main error of that Bill. Now, it has been repeatedly shown that measures of sanitary reform in general become less practicable in proportion to the smallness of area and contractedness of jurisdiction within which they are to be carried into effect. It is needless, on this occasion, to display, as it were easy to do, a long list of improvements which are crippled or impeded, and their cost immensely enhanced, by parochial and municipal limits. The ancient boundaries of boroughs especially, even where corrected by the Municipal Corporations Act, have served again and again to thwart and obstruct almost every kind of sanitary movement. But in a particular of social reform is an extension of these areas more necessary than in the construction and improvement of the dwellings of the poor. Probably there is no class of sanitary jurisdictions (excepting a few towns of the largest size) which could meet the chief difficulties of this undertaking so well as *Unions under Boards of Guardians*. Whether these "nuisance authorities" might not be usefully employed in a matter which so intimately affects the repression of pauperism, or whether the jurisdictions of other local bodies should be extended for this object, may depend on other considerations suggested in this paper. It is enough to have pointed out that the existing areas of sanitary jurisdiction are too small for the execution of useful measures.

#### INCOMPETENCE OF LOCAL AUTHORITIES NOT TO BE CURED BY THE DICTATION OF GOVERNMENT OR OF SELF-CONSTITUTED VIGILANCE COMMITTEES.

One of the main defects in the Sanitary Act, as I have endeavoured to show, is, that it commits the execution of its very useful and valuable regulations to the same kinds of administrative machinery which have been already tried, and have proved in general either incompetent, or unwilling, or both, to

\* See *Journal of Social Science*, May, 1866.

carry into effect, thoroughly and heartily, the functions with which they have been legally endowed. It has been assumed—and, perhaps wisely, for a time—that to invest the old local bodies with larger and more summary authority will stimulate them to a more liberal and energetic exercise of their powers, whether original or lately acquired.

But persons who have long and carefully watched the sanitary movement, and the habits and proceedings of these bodies, may be excused for doubting whether a mere augmentation of power, or even the application of external and governmental pressure, will convert them into effective instruments. Their very nature and constitution need to be amended. It would be necessary to supply that deficient element in their composition which is referred to in the Queen's Speech, wherein her Majesty expressed a hope that these bodies "will be seconded in their endeavours by *all who have at heart the safety and well-being of the people.*"

Unless their motives of action are elevated and their standard of intelligence raised, they may ultimately be superseded by the central government and its officers; but there are serious objections to so revolutionary a change. It is to be feared that the summary and almost autocratic authority even now to be wielded by the Secretary of State (under sec. 49), will be accompanied by one of two serious disadvantages. Either it may rouse the antagonism of the popular and rate-paying element—the class which now influences the proceedings of local bodies—or it may paralyse that public spirit which, when well directed leads to healthy local action.

While the Act enables the Secretary of State to carry out many beneficial measures, in which he will be supported by the cultivated intelligence and philanthropy of the country, his prompt and continual interference may render only more conspicuous the inefficiency of the local authorities, and thus tend to drive them into a dogged and resentful passive resistance. The necessity for governmental action may grow more and more obvious; and the very design of local government may be defeated and its principle lost. It therefore deserves consideration whether, on the one hand, the admitted evils of too great reliance upon the Imperial Government might not be prevented, and, on the other hand, the antagonism between central and local authority might not be timely averted, by improving the constitution and organisation of the local bodies, and by thus causing them to represent more faithfully the intelligence and philanthropy of the society.

Local self-government, the boast of the English, might in fact be so reformed as to nullify the plea for constant and stringent



central interference. The great constitutional principle on which communities are entrusted with the management of their own affairs, must not be held responsible for the miscarriages which have notoriously befallen that particular form and development of local self-government which is now said to be on its trial in this country, but which certainly has been already found wanting.

It has been suggested, both by a provision in the Act itself, and by commentators on it, that private or professional associations might be formed in every district, to watch, and if necessary to impel, the performance of duty by the local body. This appears to me to be a doubtful and unsafe expedient. It might be retaliated with equal if not greater success by the party in favour of local abuses, always a large and powerful one. History also might warn us of the peril of Vigilance Clubs and Committees of Public Safety. There is, doubtless, a more constitutional method of promoting sanitary regulations.

#### DIVIDED CENTRAL AUTHORITY.

Before passing on to practical suggestions, I wish to notice a peculiar arrangement in the Sanitary Act, by which the duty of central intervention, in case of default, is divided between two chief departments of the Government. In the first part of the Act\*—relating to sewerage and water supply—one of Her Majesty's principal Secretaries of State (practically, the Home Secretary) is constituted the central authority.

In the second part of the Act—relating to the removal of nuisances and the prevention of diseases—"the Lords and others of Her Majesty's most honourable Privy Council, or any three or more of them, the Lord President of the Council, or one of Her Majesty's principal Secretaries of State being one," are empowered to direct or sanction certain measures.

After perusing merely the first and second parts of the Act, one might be led to infer that "sewer authorities" were to be uniformly placed in relation with the Home Office, and "nuisance authorities" with the Privy Council; but a delusion so symmetrical would be dissipated by examining the third part—according to which (sec. 35) *some* nuisance authorities, *but not all*, may be empowered to do certain duties by the Secretary of State; while by Sec. 40, *other* nuisance authorities, in the performance of other functions, are reserved for the initiative direction of Privy Council. One of the most important provisions of the Act (sec. 49)—already remarked upon—empowers the Secretary of State to direct the execution of his Orders, at the cost of the locality, in cases of continued default by either *sewer* or *nuisance*

\* See Sewage Utilisation Act, *passim*.

authorities ; but as if to check the too great accumulation of power in one department [over Nuisance authorities, it is afterwards enacted (sec. 54) that Orders relating to importation of diseases by ship passengers are as before to be issued by the Privy Council, which is also empowered to determine by *what* nuisance authority any such order shall be executed.

Thus, in respect of central direction, as well as in the action of local bodies, we may be made to feel the disadvantage of divided authority and responsibility. The people and the local bodies ought to be assured that governmental control and direction will be simplified, and that it will be conducted on uniform principles, by means of its being concentrated in *one and the same* department, whether that be the Home Office, or the Privy Council, or a special department of the State for all matters relating to the public health and legal medicine, with a responsible head in Parliament.

#### REGISTRATION DISTRICTS THE BEST AREAS FOR LOCAL SANITARY ADMINISTRATION.

On comparing the several existing varieties of local authorities in order to select that which might form the best basis for a revised and consolidated sanitary administration, it is almost impossible to avoid the conclusion that, on the whole, and notwithstanding certain defects (which are yet curable), Unions governed by Boards of Guardians answer most satisfactorily the several requirements of local sanitary administration. At least they possess the following advantages:—

1. They include almost all parishes and places in England and Wales.

2. They are generally identical with registration districts, and would thus secure identity of areas for returns of births, deaths, and sickness, with those for sanitary management.

3. Boards of Guardians are already empowered and compelled to perform a variety of preventive and remedial functions, and they have their staffs of medical officers.

4. They contain magistrates as *ex-officio* members.

5. Unions are in general much larger than any other areas of local authority, except counties ; and by adopting unions, Parliament would have to deal with only 600 or 700 tolerably uniform jurisdictions, instead of the many thousands\* which compose the present miscellany.

It would, however, be advisable to empower some central authority in certain cases, to rectify the boundaries of registration districts, or to combine two or more for certain sanitary objects.

\* In 1857, there were said to be 15,000 sanitary jurisdictions.

## A MODE OF UNITING DIFFERENT SANITARY AUTHORITIES IN THE SAME DISTRICT.

Sanitary districts being settled for the whole country, all existing authorities within the limit of each Union, or combination of Unions, should be consolidated; for which purpose the following plan is suggested:—

(a) All the members of every sewer authority, nuisance authority, sanitary committee, and local Board, within the limits of each Union, might unite with each Board of Guardians for the purpose of electing a *Sanitary Court* for the whole district, the number of the representatives of each included body being regulated by law, or by the central authority.

(b) Magistrates might sit *ex-officio* in regulated proportion to the total number of members of such Court.

(c) The proposed Court might appoint sub-district committees for such parts or sub-divisions of the entire area of jurisdiction, as might require distinct treatment or regulation in any particular, or the execution of special works, as drainage, &c. &c.

(d) The proposed Court might be empowered to add to its elected and *ex-officio* members, other persons possessing special qualifications to be defined by the Act or by general instructions. In default of such additions being made by the court, the central authority might be empowered to make them.

## METHODS OF APPEAL, OF INSPECTION, OF CONTROL.

However complete the constitution and judicious the composition of the proposed courts they would be liable, as all authorities are, to charges either of over-action or of erroneous action, or of default of duty; but it is reasonable to expect that complaints of any kind would be far fewer and less serious than are now commonly made against the present incapable local authorities.

To meet such complaints, to correct any mistakes, and redress any grievances of local government, some methods of official inquiry and sources of appeal ought to be provided, as indeed they have been—both in the Sanitary Act and in former legislative measures.

But, instead of the somewhat arbitrary course of proceeding which, under sudden alarm, created by an outbreak of malignant cholera, Parliament has just sanctioned, I suggest that a more moderate and satisfactory mode of governmental action would be to adopt an inspecting and superintending machinery, similar to that provided by the first Public Health Act, for continuous investigation, and for the settlement of complaints and disputes.



A few superintending inspectors, medical and engineering, might be appointed, each inspector having charge of one or more of the statistical divisions of England. It should be the duty of such officers to inquire into all cases of complaint or default which could not be determined summarily by the proposed Sanitary Courts, and the decisions of the inspector might be enforced by the magistrates in Quarter Sessions, subject nevertheless to revision or annulment by the central authority.

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II. I proceed, in the second place, to treat of Sanitary Officers and the methods of their appointment by local authorities.

The titles, qualifications, duties, and mutual relations of the officers appointed under various sanitary enactments, have never been reasonably defined. The present anomalous and inefficient system of appointments ought to be amended in a Consolidation Act.

#### A.—NUISANCE OFFICERS.

Supposing that the words "Sanitary Inspector" in the Act of 1855, and "Inspector of Nuisances" in that of 1860, refer to the same kind of officers, the appointment seems to have been wrongly named in both Acts. An inspector is generally understood to mean, and the title is generally conferred on, a person of higher official rank than a nuisance officer. Applied to the latter, the designation leads to a false view of his position, and a misconception of his duties; for these are simply to search for nuisances, examine them, and report them to the Medical Officer of Health and the nuisance authority. The term "inspector" has already led to the error—apparent in the Artisans' Dwellings Bill—of confounding the nuisance officer with the superior sanitary officer.

It is well known that very incompetent persons may be appointed as inspectors of nuisances. They are not unfrequently selected on political or party grounds. They are still more commonly appointed *not to search too keenly* for nuisances. This, owing to the utter absence of proper regulations and reasonable safeguards, the people are in great measure deprived of the benefits which these appointments were intended to confer.

The qualifications of persons holding the office should be determined by the central authority; and the appointment of better qualified men might be promoted were candidates examined and approved by a superintending inspector, or by the officer of health.

The duties of a nuisance searcher, and his due subordination

to the superior officer, might be settled by a code of instructions ; while his tenure of office should be so secured as to encourage and protect him in a zealous and faithful discharge of his duties.

### WANT OF PUBLIC PROSECUTORS.

The want of public prosecutors *in England*—for they exist *in Scotland* as procurators fiscal—has proved a main cause of the frequent failures in the administration of sanitary law. Private persons will seldom encounter the obloquy, the risk, and the inconvenience of becoming informers. Private associations for the purpose are, as I have before said, objectionable on political grounds. Until this national want is supplied by the Legislature, I would suggest that the duty of instituting proceedings, which by sec. 16 of the Sanitary Act *may be* committed by the Secretary of State to the chief officer of police in any place, ought to be extended and imposed generally on the constabulary. In the mean time, the officer of health (or his agent, the nuisance searcher) might be empowered to act as public prosecutor. That section of the Act—useful as it may prove, though shackled as it has needlessly been by the final proviso—was opposed on merely sentimental grounds ; but no valid reason has been shown against the regular employment of the police in this duty. The general feeling, as far as I have had an opportunity of ascertaining it, among men concerned in local administration, is strongly in favour of the sanitary action of the police, as well-disciplined agents, independent of local influence.\* If this important amendment in our sanitary law were fairly carried out and completed, that provision of the Constabulary Act which prevents the police being so employed would have to be repealed.

I suggest, therefore, that the services of the police might be systematically secured, in connexion with those of the appointed sanitary and nuisance officers, in order first to obtain the information necessary for legal action, and then to institute primary proceedings.

### B.—DISTRICT SURVEYORS.

There is another office to be briefly noticed, for which no

In Cheltenham, the clerk of the Commissioners, and the chairman of the Board of Guardians, both decided "Liberals," and both known to be men of great ability and experience in local government, have expressed to me, the former especially, their opinion that the employment of the police in this matter should be compulsory, not simply permissive. The former (an eminent lawyer) proposed that the words relating to police in the 20th clause of the Bill (before it went into committee) should be altered thus: "Any officer of police within that place may and is hereby required to institute a proceeding," &c.

proper legal provision has been made. I refer to that of DISTRICT OR BOROUGH SURVEYOR.

This appointment is generally made without requiring the candidate to give any real proof of special competency or of professional qualification, and always without securing him against injury or loss of office in the free exercise of his judgment and the independent performance of his duty. He is generally expected, if not plainly directed, to propose the smallest possible improvement at the least possible cost. It is therefore almost inevitable that very serious evils and abuses constantly escape his notice, or are imperfectly if at all redressed at his recommendation.\* Some provision for *reliable scientific advice* in preparing and executing the plans of intended improvement would be of immense importance in any measure for providing better dwellings for the working classes. The district surveyor ought to be a regular civil engineer.

### C.—MEDICAL OFFICERS OF HEALTH.

It was clearly seen and acknowledged by the leaders and earlier promoters of the sanitary movement that the proper organisation of a body of *preventive* physicians was a measure of fundamental importance in legislating for the health of our towns and districts.

Whatever might be the intelligence, honesty, and zeal of the local Boards, it was admitted that they could effect but little permanent benefit without the scientific advice and skilful assistance of thoroughly qualified men—of men placed in an official position which would oblige and enable them to act independently and impartially, without fear of personal annoyance or disadvantage, and without expectation of any reward but such as is due to the conscientious and efficient performance of public duty.

Mr. Chadwick and the late Dr. Southwood Smith, members of the original Board of Health, showed long ago that an office of this kind ought to be constituted in *every large district*, and that it should include the superintendence of mortuary registration and other important medico-legal functions.

Legislation on this matter has, however, retrograded of late. The first Bill for Town Drainage and Water Supply, 1871, founded on the recommendations of the Health of Towns Commissioners, contained a clause which, though only permissive, would have in some degree protected the independence of

\* The late tragedy in Ely-court, Holborn, might have been prevented, had the district surveyor done his duty in examining the ruinous house, presenting its conditions to the local authority, and advising the tenants to quit it immediately.



maintained the public usefulness of this office, by rendering the consent of the Home Secretary necessary to each appointment, and to the amount of salary named for it. By the Towns Improvement Clauses Act, 1847, and the Public Health, 1848, both the appointment and the removal of this officer were to be subject to the approval of the General Board of Health, which was also to define his duties. But on transferring certain powers of the General Board of Health to the Privy Council in 1858, none of the previous "sanction, consent, direction, and approval," with respect to the medico-sanitary office, was included, and the appointments were left to the absolute and unconditional disposal of the local Boards. A great blow to the independence and efficiency of this office had been already inflicted by the Metropolis Local Management Act, 1855, which abolished all governmental interference with the whims, blunders, and intrigues of vestries, compelling them indeed to appoint, but leaving all terms and conditions of office in their power, and expressly permitting them to remove the officers at their pleasure. Thus the objects of the medico-sanitary appointment would have been practically defeated in every district, as they actually were in not a few parishes, had not the officers of health, by means of their compact and influential association, formed a strong moral barrier of defence, protecting and encouraging them in the execution of their arduous duties.

In the Artisans' Dwellings Bill of this session, happily withdrawn, the office was proposed to be still further degraded; *first*, by confounding it in one inclusive term with the humbler office of "Inspector of Nuisances," yet at the same time directing duties to be done (clauses 6 and 8) which that inferior sanitary officer could not possibly perform; and, *secondly*, by permitting the local authority to assign the Medical Officer of Health his duties—duties the nature and extent of which the majority of the members of these Boards could not even comprehend.

There is now, therefore, an utter absence of any control and regulation in appointing to the most important *local* office, as regards the care of the public health, which has ever been instituted by the Legislature. The advantage of securing the highest qualifications for such an office has been fully recognised in the *central* department, by the appointment of the present Medical Officer of Privy Council, to whom the country has long been deeply indebted for constant and valuable investigation, information, and instruction. The legal requirement of special qualifications and ample guarantees for the due performance of analogous duties in districts, would prove no less conducive to the welfare of the inhabitants and to the efficient action of local governments.

To compel, as was lately proposed in the "Artisans' Dwellings Bill," each of the peculiar and often very insignificant local authorities, now multiplying in the country, to appoint separately its officer of health, without any direction or control by Government, would be simply to authorise a vast number of local jobs, and thus to establish an almost insurmountable obstacle to any rational and proper organisation—any really progressive sanitary reform.

To secure the due administration of justice, Parliament has wisely determined that the higher *legal* appointments in counties and districts should be rescued from all suspicion of bias or local influence, by empowering the Lord Chancellor to appoint the judges of county courts, and the Secretary of State to appoint police magistrates, who are, nevertheless, paid out of local rates.

Were the status and functions of the higher appointments in preventive and legal medicine as well understood, and as vigorously maintained in Parliament, as are those of public offices belonging to the legal profession, no such laws as are now in force respecting officers of health would ever have been seriously proposed, much less enacted.

Two courses seem to be open for the purpose of securing the due qualification of these officers, and checking the jobbery of local Boards. One would be to vest the power of appointment in some higher authority—*e.g.* the Privy Council or other central department; leaving to the discretion of such department the methods of determining the fitness of candidates. The other would be to institute publicly a definite standard of qualification, which must be attained by all candidates for the office—such qualification to be expressed either by trustworthy certificates of requisite skill and knowledge in the various subjects of hygienic science and practice, or *for a limited period* by evidence of practical ability and actual sanitary service.

The latter course seems preferable; for it is presumed that Government would undertake the responsibility of selecting and appointing officers without the test of a *quasi* public examination—an examination so far competitive that its results would determine whether each candidate should be admitted into the class from which appointments must be made; and, if a candidate had successfully passed through that ordeal, a superior kind of local authority—such as the Sanitary Court before suggested—might be safely left to make its choice from persons so qualified.

In 1855, the General Board of Health issued an "Instructional Minute" relative to the duties and qualifications of officers of

health. This valuable document, prepared by Mr. Simon, showed the great necessity for special and varied attainments in science, for evidence of methodical and industrious habits, competent powers with some previous discipline in scientific observations, sober judgment and thorough conscientiousness in the investigation and statement of facts. The importance of separating this office from the engagements of private *curative* practice has been shown both in the same "Minute," and by others.\*

Were these officers freed from the embarrassments and competitions of ordinary professional life, they would become valued and trusted sources of aid and counsel, in matters of *preventive* medicine, to the medical practitioners of their respective districts.

The metropolitan health officers have already called for important changes in the constitution and relations of their appointment, some of which are embodied, with slight modifications, in the following suggestions. But I protest against any legal compulsion to appoint such officers in the provinces, until the conditions, duties, qualifications, and responsibilities of the office are equitably defined. It would be far more to the ultimate advantage of the community, that, *as at present*, only one-sixth of the places under the Local Government Act (1858) and the Public Health Act (1848) should be provided with officers of health, than that a crude, fallacious, and obstructive system should be forced upon the country. It may be observed that officers of health in the provinces would find it utterly impossible to associate as closely for mutual instruction and defence as their metropolitan brethren have done; for, setting aside a few first-class towns, the country populations are too scattered, and the existing sanitary districts too isolated, to admit of any such combination, even were that wholly unobjectionable.

### PROPOSITIONS.

In the hope of promoting a more useful and rational system of medico-sanitary appointments, I propose that the following amendments might be embodied in the suggested consolidation enactment:—

1. That in addition to the ordinary professional qualifications required by the Medical Act, evidence of special qualifications and of adequate experience be demanded of all candidates for the appointment of health officer; and that, *after a future date to be fixed in the Act*, no appointment be valid without a certificate from some EXAMINING BOARD—to be constituted or recognised

I beg to refer to a fuller discussion of this question in my pamphlet on "Certificates of Qualification in State Medicine," 1865.



for this purpose—that the candidate is duly and specially qualified for the office.

2. That the power of appointing persons, qualified and certificated as above, be committed either to magistrates in Quarter Sessions, or rather to the Sanitary Court proposed to be constituted in each sanitary district.

3. That officers of health be protected in the exercise of their functions, by repealing all enactments which empower local Boards to dismiss them, and by vesting the power of removal in the central authority.

4. That officers of health be legally authorised to procure all necessary information from medical officers of poor-law districts, workhouses, and other public institutions, registrars, and nuisance officers, and that they have free access to all records and books kept by such officers.

5. That the amount of salary proposed to be paid to each officer of health be subject to the approval of the central authority.

6. That in all *future* appointments, or after a certain date to be fixed in the Act, every officer of health be debarred from private medical practice, and be required to devote the whole of his time to his public duties. A sufficient salary for the proper independence of the office might be raised, without increasing the cost to any locality, by combining two or more sanitary districts for one appointment, or by subsidiary payments from national funds.

7. That the Poor-law Board and the Registrar-General might co-operate with the Privy Council to establish a combination of the Health Office with that which is now proposed by Dr. Farr to be added to the registration machinery; namely, a *Registration Medical Officer* in each superintendent registrar's district, whose duty it would also be to give evidence and make *post-mortem* examinations at coroners' inquests, and to investigate the causes of uncertified or suspicious deaths.

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#### SUMMARY OF CERTAIN PRINCIPLES PROPOSED AS THE BASIS OF FUTURE SANITARY LEGISLATION.

A. Areas of sanitary administration to be extended, so as to include all outlying suburbs and parishes.

B. The whole surface of the country to be divided into Sanitary Districts, so that every parish may be contained in some sanitary jurisdiction.

C. Boundaries of Poor-law Unions (Registration Districts) to be recognised and generally employed in determining the areas for sanitary administration.

D. All local Boards, Sewer and Nuisance Authorities, &c., to be combined and incorporated within every such Sanitary District.

E. Constitution of local sanitary authorities to be reformed, by adding persons possessing other qualifications than those now required under various enactments.

F. A single Central Department to be adequately empowered, and aided by Divisional Inspectors, for purposes of investigation, direction, and control.

G. Various provisions of former Sanitary Acts to be consolidated, methods of procedure to be simplified, and power to initiate proceedings to be vested in persons authorised to act as public prosecutors.

H. The qualifications and tenure of office of the several classes of officers employed in sanitary administration to be determined by law, or by the Central Authority.

I. Medical Officers of Health and Registration, acting also as Medical Jurists, to be appointed in the several Sanitary Districts, on the conditions suggested in the preceding pages.

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## ON THE STUDY OF CHILDREN.

*The Acquisition of Language.*

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**B**EFORE we proceed to consider the transition to articulate sounds, and the period of conscious utterance, we shall pause to review what has been done in the way of philosophic investigation.

In the year 1780, the Academy of Sciences at St. Petersburg offered a prize for the best essay on the nature of vocal sounds. The prize was gained by M. Kratzenstein, who afterwards published the results of his experiments, proving that all vowels could be produced by reed tubes of peculiar forms.

Wolfgang von Kempelen, a celebrated mechanician of Vienna, was engaged in similar researches about the same time. He employed a conical tube, with a reed at its upper extremity. In one of his earliest experiments, performed with a machine resembling a wine-glass, Kempelen obtained vowels by covering its mouth with his hand. "I began," he says, "by obtaining several vowels, in proportion as I covered the opening more or less with my left hand; but I could not obtain them, except I changed the positions of my hand and fingers in rapid succession. If I retained my hand in any one position for any length of time, I seemed to hear nothing but A."

On verifying Kempelen's experiments, Willis found ("Transactions of the Cambridge Philosophical Society," vol. iii., 1829) that by making the bell shallower and covering it by a piece of wood, instead of the hand, he could produce all the five vowels in this order, *u, o, a, e, i*, or in the reverse order, *i, e, a, o, u*, and it has been observed that the latter is to be heard in the *me* (m, i, e, a, o, u) of a cat, as we perceive at once, if we assign the Italian pronunciation to the vowels.

On this part of the subject, Professor Key remarks ("Alphabet," p. 22), that though attempts have been made by some writers to determine the number of distinct sounds which the human voice is capable of producing, a little consideration would have shown them that they were attempting to limit that which is essentially infinite. The vowel sounds, he adds, run into one another by a continuous gradation; and the same is true



those modifications of sounds which we call consonants, as also of the liquids.

Still, we are able to determine the most remarkable sounds. And, first of all, the vowels and consonants possess the following characteristic distinctions: The vowels or vocal sounds, formed in the larynx, are considered as simple modifications of the voice, and pass out without meeting any material interruption, while the consonants are produced by the stoppage of the sounding air-current in some part above the larynx.

From our former observations, we saw that the first vocal sound was *â*, and the second which we remarked was *oo*; nor must it be forgotten that, at a very early period, the vowel *â* was heard in combination with liquids, *la, ya, ra*. It is not to be supposed that the vowels are all acquired first, and the consonants afterwards; but the vowel *â* is heard in combination with several consonants, and particularly, as we shall see, with *m*, in *ma*.

These remarks agree pretty nearly with the statement of Dr. Hunt ("Philosophy of the Voice," p. 151), that there are but three pure or original vowels, namely, *a*, *i*, and *u* (that is, *â*, *ee*, *o*); the first representing the guttural, the second the palatal, and the third the labial vowel sound. From these primary vowels are formed the secondary vowels, *e* (*ay*) and *o*; for *e* is a combination of *a* and *i* (*â* and *ee*), while *o* is a combination of *a* and *u* (*â* and *oo*).

We have seen that in the formation of the vowels the sounding volume of air is merely modified, but not intercepted, during its passage from the larynx to the lips; while, on the other hand, the production of consonants is the result of stoppage, which the air-stream experiences in one part or other of its course.

Dr. Hunt remarks: "There are three principal stoppages which occur, either at the throat, the teeth, or the lips; hence consonants are divided into three classes—gutturals, dentals, and labials—according as they are formed at either of the above places, and are represented by the letters *k, t, p*."

The stoppages here mentioned are produced by contact; first between the root of the tongue and the soft palate, producing *k* and *g*. These are called gutturals, and the term may be allowed; but the true gutturals, as heard in Arabic, are produced lower down in the throat. Secondly, we have contact between the tip of the tongue and the roots of the teeth, producing *t* and *d*. These are called dentals, but they may be uttered by young children who have not yet got teeth; and, in strict accuracy, these consonants are rather extreme palatals than dentals. Thirdly, we have the labials *p* and *b*.

Now, if we arrange these letters in groups, *k, t, p*, and *g, d, b*, we may remark that in pronouncing the former there is a con-

traction of the organ ; whereas in pronouncing the latter there is a dilatation. This is better seen in the lip-letters. In uttering *pa*, we compress the lips ; but in *ba* we make them broader, and a greater extent of lip comes into contact. The same takes place in *ta* as compared with *da*, and in *ka* as compared with *ga*, although in the latter instance, as the utterance takes place so far back in the throat, the distinction is not so perceptible.

It has been further remarked that, in *k*, *t*, *p*, no sound is heard until the whole explodes at once ; whereas, in *g*, *d*, *b*, there is a certain vibration, or continuity of sound.

To each of these letters there are aspirates, on which we shall not dwell ; and to each order there is a corresponding nasal, *ŋ* for the guttural, *n* for the dental, and *m* for the labial.

Those readers who wish to obtain fuller information may consult Professor Max Müller, on the "Science of Language," second series.

To resume our observations. In the third or fourth month of a child's existence, we may sometimes remark attempts to combine vowels, as *ô-â*, or even a fuller sound, something like *âgwa*, but still without any apparent consciousness of effort on the part of the child. At the same period, the sounds *â*, *lâ*, *yâ*, and *re* are heard from time to time ; but none of these are recognised by mothers or nurses as significant, at least in our part of the world. But when at length the child utters the sound *mâ*, this is taken among the Indo-European races to signify the "mother, who certainly has the best right to claim the articulate utterance of her child. But although to us the application of *mâ*, or *man* to "mother" seems quite familiar, or "natural" as we term it, there are tribes of people who never pronounce *m*, or any lip letter at all.

"There are languages," says Max Müller ("Science of Language," Second Series, p. 162), "that throw away certain letters which to us would seem to us almost indispensable ; and there are others in which even the normal distinctions between guttural, dental, and labial contact are not yet clearly perceived. We are so accustomed to look upon *pa* and *ma* as the most natural articulations, that we can hardly imagine a language without them. We have been told over and over again that the names for *father* and *mother* in all languages are derived from the first cry of recognition which an infant can articulate, and that it could at that early age articulate none but those forms by the mere opening or closing of the lips. It is a fact, nevertheless, that the Mohawks never, either as infants or grown-up people, articulate with their lips. They have no *p*, *b*, *m*, *f*, *v*, or no labials of any kind. Nor are they the only people who always keep their mouths open, and abstain from articulating

lials; they share this peculiarity with five other tribes, who, together form the so-called Six Nations."

These phonetic peculiarities are, perhaps, the most difficult points to explain in the early acquisition of language. Much may be due to imitation; for children born deaf do not learn to articulate, and generally, if not always, are dumb as well as deaf. But, as far as my observation has gone, the force of imitation will not explain everything. As it seemed to me, the earliest utterances of *ma* were spontaneous; the recognition of the sound was the work of those in attendance upon the child.

A sound of this kind may be uttered once or twice, and be not repeated for several days. The principle of recurrence, or of repetition at intervals, seems to prevail, rather than that of perseverance in the same sound; certainly this is the case at first, and while the utterances are unconscious.

But when the child has begun to take pleasure in the sounds of its own voice, it constantly repeats sounds in a reduplicated form; as for example:

*ma—ma—ma—mā,*  
*mam—mam—mam—mam.*

I sometimes fancied that I could trace the sound *ma* gliding into *mā*; at other times the utterances were so rapid, that it was hardly possible to discriminate whether a given sound was *ma* or *mā*.

At the same period, about the sixth month, I have remarked several sounds unconsciously uttered, but of which no notice was specially taken, and which never rose to the dignity of words: as in crying, *āgooā* and *āñga*; and in cooing, a sound varying between "gay" and "yea."

The next utterance to which a significant meaning was assigned took the forms,

*ba—ba—ba, ba,*  
*bab—bab—bab—bab;*

and to the latter utterance *mama* has sometimes fondly replied, "Yes, you are the 'bab.'"

Here the principle of association seems the rule. There is no reason why the sound "bab" should be applied to signify the "baby" itself. But the mother and the child are all the world to each other; and if the sound "mam" is applied to "mama," the sound "bab" remains applicable to the "baby." But that there is no absolute connexion between the sound and the thing signified may be inferred from the fact that in Hebrew the word *ab*, or in some dialects *abba*, is assigned to the "father, while in Welsh *mab*, sometimes contracted to *ap*, means a "son."



Although the principle of reduplication operates largely this period, from the sixth to the ninth month, it is not always the same sound which is repeated. Sometimes cognate sounds are strung together, as

*ma—ma—wa,*  
*ba—ba—wa,*  
*ba—ba—pa.*

It would appear that the broad sounds, *ba* and *da*, are earlier than the thin sounds, *pa* and *ta*; and in one instance I particularly noted that the sound

*dad—dad—dâ*

was earlier than

*pap—pap—pâ.*

Both these sounds have been applied to denote “father;” and a lady in Cork told me that she has often heard nurses correct children, thus, “Don’t say ‘*dad-dâ*’; say, ‘*pap-pâ*.’”

Now, in our own “papa,” in the Latin and Greek “*pa-t*” we have the root *pa*, which may be compared with the *fa* of “*fa-ther*” and the *va* of the German “*va-ter*.” But in Welsh *tad* (pronounced *tâd*) signifies “father;” and in some counties of England *dad* or *daddy* is a much more common term than “father.” This is the case, for example, in Lancashire, where the Britons held their ground for many generations; and it would be interesting to inquire whether the term “dad” is largely used in the counties bordering upon Wales, and whether the same term is common on the eastern side of England. The old notion, that the Angles and Saxons exterminated the British population, is very unlikely to be true; and we have reason to think that, for two centuries after the Anglo-Saxon invasion, the native Britons occupied the west of the island, from Dumbarton (or Fort-Briton or Dun-breton) through the Strath-Clyde, Cumberland, including part of Lancashire, and through Wales, to Devon and Cornwall. If it were found that “dad” prevailed on the western side, this might be urged in corroboration of our theory that British influence was felt on that side.

When the child is familiar with the sounds *mam* and *da*, it will often apply them in stretching out its arms to mother and father, yet in such a manner that we cannot be quite certain whether the child attaches any meaning to the sounds. Just as we saw that it was difficult to discern the first moment of unconscious utterance; so it is not easy to discriminate the early evidences of significant utterance. Yet when the child stretches out his hands to *mama*, who replies, “What do you want,”

ve?" and then the child exclaims, *mam-mam-mam*, the mother considers this conclusive evidence, and it would be impossible to make her believe that the term is not significant, to the mind of the child, as well as to her own.

We remark that *mam*, *bab*, and *dad*, are trilateral roots, consisting of a vowel between two consonants; and we have some reason to suppose that these arise from reduplication; that, for example, *ma-ma* passed into *mam-mam-mam*.

But we must not imagine that the same form is common to all races of mankind. According to (Max Müller, "Science of Language," Second Series, p. 187), there are languages in which each syllable consists either of a vowel or of a vowel preceded by one consonant only, and in which no syllable ever ends in a consonant. This appears to be the case in the Polynesian languages. A Hawaiian finds it almost impossible to pronounce two consonants together, and in learning English he has the greatest difficulty in pronouncing *cab*, or any other word beginning with a consonant; instead of *cab*, he says *caba*. Max Müller points out similar peculiarities in Chinese, in the languages of South Africa, and in the Turanian languages, northern and southern. But on these we need not dwell; one group, such as the Polynesian, is enough for our argument. Why is it, then, that an English child, at a very early period, has a tendency to employ trilateral roots, while a Polynesian child is so far from doing the same that even in after years the natives of these islands in the South Sea find a difficulty in pronouncing such a word as *cab*?

In considering this subject, it is most important to determine how far a child learns by mere imitation, and how far phonetic tendencies are innate, or, I would rather say, hereditary. From what I have observed, I am inclined to think that such sounds as *mam* and *bab* are to a great extent spontaneous; and with reference to the sound *dad*, I am pretty certain that this was not taught; nor can I understand how it was learnt, unless it be from the sound *tátta*, which was often used in various significations. For instance, when a little girl was taken out, she was said to be "going *táttas*" (with the accent on the first syllable). The same word was employed to denote the nurse's bonnet: "Hen had gone to put on her *tátta*." With the accent on the last syllable *tattá*, the word was generally employed to denote "tinks," or "I thank you."

Now, from the constant use of this word, it is just possible that a child may have picked up the sound *da-da-da*, and then *dadad-dad*; and, if so, this is an instance of the tendency to use a broad letter *d*, instead of the corresponding thin letter *t*.

But I am quite certain that, in the cases which I observed, a sound *dad* was not taught in the sense of "father," or, indeed, was ever used in that sense.

This is a point for careful inquiry, and not otherwise to be determined than by actual observation, namely, how far the earliest elementary syllables are spontaneous, or how far they are due to imitation. The consequences of such an investigation may be most important; for if phonetic tendencies are hereditary, so also may faculties and powers of mind, so also may habits and modes of thought, be hereditary. If intelligent mothers would record their observations on these points, we might learn more from such notes than from ponderous volumes about the Origin of Language.

Hitherto we have considered sounds which may possibly have been spontaneous—natural utterances, upon which a meaning is imposed by the fondness of parents. The next step seems to be an actual imitation of words used by attendants or persons around the child. The little girl above referred to employed herself for more than a month repeating from time to time,

*nin—nin—nin,  
nan—nan—nâ,  
an—an—anny,*

and at last of all it became apparent that she was trying to pronounce the name of the nurse, "Ellen." In fact, *nan* became a pet name for Ellen; and she said that in other families children had given her the same name.

We may remark that mothers and nurses constantly discourse to a baby about the operations of which it is the subject long before the little creature can understand the meaning of the terms; but as these are continually repeated on each occasion and in the same phrases, or nearly so, the child gradually learns to connect the word and the action.

I shall conclude this paper with a quotation from Locke, to which we may have future occasion to refer: "When children have, by repeated sensations, got Ideas fixed in their memories, they begin, by degrees, to learn the use of Signs. And when they have got skill to apply the organs of speech to the framing of articulate sounds, they begin to make use of words to signify their ideas to others. These verbal signs they sometimes borrow from others and sometimes make themselves, as one may observe among the new and unusual names children often give to things in their first use of language." ("Human Understanding," II., xi., 135).



# THE PRINCIPLE OF ASSOCIATION APPLIED TO THE DWELLINGS OF THE WORKING CLASSES, AND OF THE POORER CLASSES GENERALLY.

BY WILLIAM WESTGARTH, ESQ.

THE present time constitutes a very important era with regard to the dwellings of the masses of the people. Their tenements are being swept away by thousands in the march of railway and other improvements, and as a great rebuilding must sooner or later supply the void, society is concerned that the reconstruction should as little as possible include the defects of the past. The urgency of the occasion has been attracting general attention, and already we are familiar with the term "model buildings," with various efforts to supply the increasing void, and at the same time to provide an improved substitute.

*Model Buildings.*—These model buildings, which have been erected both by private individuals and public companies, accomplish admirably, in general, what they were intended to do. They give the working classes a well-built and wholesome dwelling at a price not exceeding what was wont to be paid for a dwelling of a very inferior character. In this there is a very great step. There is good reason to hope, too, that with the experience as to what is precisely suitable, and as to the best and cheapest way of supplying it, these efforts will be gradually more successful and remunerative. At the late meeting on the subject, in June last, at the Society of Arts in London, it was stated that there seemed now a prospect of realising a net interest or profit of about five per cent. per annum on money laid out in the construction of labourers' dwellings on improved principles.

As to the question of profit, more than one speaker at the meeting alluded to stated that there was no difficulty in realising even a very large per centage if there were any available means of reducing the usual expenses. These formidable expenses included the cost of general agency and of the collection of rents, the occasional bad debts, the loss by empty tenements, and the dereliction of property by an indiscriminate tenantry who felt no particular interest in its good preservation. Now, the co-operation system I have in view aims at doing away with most or all of these expenses. The working classes have successfully taken in and co-operation stores and other schemes based on the asso-

ciative principles. Let them, as a further step, apply all the economy and advantages of co-operation to the care of the dwellings.

*The Co-operative System.*—I shall give you a practical illustration of my meaning. In the course of some inquiry into the subject in London, I ascertained the following to be a no uncommon method as to the lodging accommodation of the working classes. Some one, with the view of making a living, would rent a large tenement for the purpose of subletting in single rooms to various tenants. The rents of these rooms are in general exceedingly high as compared with the accommodation: namely, as much as from 3s. to 5s. per week each. In such cases the amount of the united rental realised by this rack-rent method very greatly exceeds the amount paid by the middleman to the landlord. The cause, however, is obvious. The former has a living to make, he has empty rooms to lay his account with, he has debts to reckon on, and destruction of property to make good. He has also, perhaps, to battle with a landlord's prejudices against such miscellaneous tenantry, and to overcome them by submitting to an extreme rental.

Now, why should not the tenantry assume the form of an associated body and go direct to the landlord? Let us calculate what they would gain by so doing. The middleman vanishes; the destruction of property is diminished by the appreciable interest felt by the tenant under his new relationship; empty rooms and bad debts are perhaps entirely avoided under a good code of rules; and withal the landlord, having in view a more satisfactory tenanthood, is satisfied with a less rent than in the previous case. The result will be that the rooms will cost the occupant only one half of the old rate, or possibly less.

*Its simplest Aspect.*—I have here shown the plan in its simplest aspect. Let us suppose, for example, any suitable number of families to associate themselves together for the purpose of our plan. They might rent amongst them such a tenement as I have alluded to, or even take up, in this joint method, any number of separate dwellings, or the whole or part of any street. Indeed I should be glad to see the system commenced in this simple way, because, although it would not produce the full benefits of my proposed plan, it is a mode that admits of immediate action, and of a very plain demonstration, so far as it goes, of the economies of co-operation in regard to dwellings. Our poorer classes, by simply dealing in this manner with the tenements that now exist, might, in every instance, very sensibly reduce their current rates of rental. But, in order to derive the full advantage from the system, I would rather contemplate the construction of edifices upon suitable models, for the special purpose, which

which a number of families, who have agreed for economical considerations to act unitedly under certain bonds of association, have each yet their own domicile as separate and distinct as they may be pleased to arrange it.

*A further Step in Co-operation.*—Let us now advance to another view. In the illustration I have given of the middleman renting a large tenement, he might, as indeed he often does, add the attraction of a coffee-room, or common hall, for his tenants' convenience and enjoyment. If a tenantry, associated as I propose, have satisfied themselves as to each other's respectability, and the qualities for mutual good fellowship, they may not object to such a common hall within the large model edifice I have alluded to. Well lighted, well warmed, well ventilated, there is a pleasant resort each evening for the working man and his family. The pence of the many may do more here than even the pounds of the few. The hall is a great principle in my plan. I may combine the coffee-room, the reading-room, and the club, with the inestimable advantage of bringing all these useful institutions to the home, and allowing the husband and father to enjoy them in the midst of his family.

*Yet another Step.*—There is still another view—still a further step of progress. Mr. Corbet, of Glasgow, has shown us what can be done, in another department of human wants, by the small sums of the many, when they are applied collectively to finish the best food cooked in the best way. In his hands a penny becomes really a power in society. The economy and all the other advantages of co-operation in this last direction are also available to our proposed associations to increase the efficacy of their action, by extending their economising arrangements to the food as well as the dwelling.

*Difficulties considered.*—It must not be denied that, in carrying out these plans, there are formidable difficulties. So difficult indeed may it be found, especially at the outset, to induce our working classes, or indeed any other classes of our society, to have anything in common in their domestic arrangements, that the prospect might possibly be a somewhat hopeless one but for the very obvious pecuniary advantages. Thus our working classes might not be moved out of their long-accustomed routine by any demonstration, however clear, of the poor comfort their present position gives them, and of the superior social arrangements that co-operation might afford. But if you can prove to them that they will actually save money by the new plan—that they will not only have superior comfort, but enjoy it withal at perhaps one-third less than their present arrangements are costing them—it is reasonable to presume that your views will meet with consideration.



*How to Make a First Trial.*—A successful trial of our plan is hardly to be looked for without great care and judgment in the selection of the associated body. Here, however, we have a most ample field before us. Our working classes are of themselves a world, where, if those unsuitable to our purpose are numerous, there is at least no lack, throughout so large and diversified a body, of social virtues and all the qualities that may be requisite. Let me suggest what I suppose the best method of making a trial, and I may address equally those who would look to business and philanthropy. In carrying out the plan in all its integrity, the saving to the associated body would be so considerable, as compared with the present cost of living, that if this saving only were laid aside, it would enable the associated persons, with the ordinary wages of the present day, to become the proprietors of their dwellings within from six to eight years.

Now, a first trial of the proposed system might be based on the contemplation of this result, the arrangements requisite for being clearly understood between all parties at the outset. There would thus be superadded to the other inducements before the associated tenantry one of a very decided character to urge them to pursue perseveringly and amicably their common object. From the date of the first instalment towards the purchase of the edifice, each tenant would doubtless regard his dwelling as his own property, and care for it accordingly. Let us, then, suppose that a capitalist has brought together a body of tenantry to whom he is satisfied to entrust his property, and who, on their part, have also so satisfied themselves as to each other, that they are willing to be associated in the common object. These tenantry, therefore, under a suitable code of rules, manage all their own affairs. Their managing committee keep the building in repair, and demand to the landlord his stipulated rental, along with the payment towards the purchase of the property. In short, the committee act as agents alike for landlord and tenantry.

*Joint-Stock Companies.*—I look to joint-stock companies as eventually the great agency by which these edifices for the working classes may be constructed, and I am so sanguine as to hold that this branch of business would not prove the least satisfactory amongst the many others around us. In some future day "The Mechanics' Buildings Company, Limited," may take a position parallel, at the least, to that of our many hotel companies, limited, and perhaps prove even more sure to investors. I have based some estimates on a net return of seven per cent. on capital. This percentage will be a little diminished by the expenses of management of a public company; but, on the other hand, the dividend may be enhanced by borrowing part of the capital on debentures.

*Plan of the Buildings.*—Let us now glance at the plan of our proposed building. It is a very large edifice; for, in order to realise fully the economies of the system, it should contain perhaps, at the least, two hundred separate households. Objections may be urged to so many persons being brought together into one edifice, but they must be met by a regard to countervailing advantages. Economy of ground and of construction require us to have perhaps five or six floors. The building, in its simplest plan, may be an oblong square. The inner quadrangle, instead of being an open court, is roofed over with glass, and thus converted into a capacious room. In short, it is the great hall of our association, with which so much of the social enjoyment is connected. Each floor is surrounded by a light balcony, both on the outside of the building and within the hall. These balconies may all communicate with the ground by means of spiral staircases, and thus give to each separate dwelling an independent entrance both to the street and the hall. Beneath the hall there may be baths and washhouses, cooking and baking places, besides the usual cellarage. The top of the building should, like most of the present model buildings, be accommodated for clothes' drying.

I would here remark that when in Paris during the early part of the present month, I was gratified to see a considerable part of my idea as to this hall realised, in one of the grand palatial hotels of that city. The inner court of the Hotel du Louvre is roofed with glass, somewhat in the way I would propose with our mechanics' buildings. While there was complete ventilation, the still atmosphere and the appreciably enhanced temperature, permitted the use of the area to the company, much as though it had been a spacious apartment. I could readily realise, in the enjoyable prospect it afforded, a well-filled hall of a similar although less pretending kind, where the varied scene of daily industry and recreation afforded a lively and pleasing spectacle to all concerned.

The cost of such a building, in plain and substantial style, I estimate, or, as I should rather say, has been estimated for me, at about fourpence per cubic foot of contents. This price will probably be sufficient, in most cases, to include the balconies, the hall and its arrangements, and the ground. We might thus have a house, consisting of two well-sized rooms, besides closets, &c., and a through passage from front to back, at a cost of 100*l*. A building for two hundred families costs, therefore, 20,000*l*. A house of two rooms, I need not say, is the great desideratum of most families among the working classes.

*Advantageous Results.*—I may remark that if the whole plan be thoroughly carried out, the necessity for a kitchen and a sitting-room to each separate house should be almost, or indeed

altogether superseded, thus giving increased effect to the accommodation supplied by a two-roomed house. I have, in a general way, estimated that this system will save to a working man who has a family as much as one-third of what, under ordinary circumstances, he now spends, while a single man might easily save one half; and there is into the bargain better food, better cooking, better house accommodation, and, withal, more real social recreation and enjoyment. A working man who now earns 18s. per week, and with a wife and several children requires the whole sum for the indispensable requisites of life, would find that in his new position he could compass all these wants by 12s. per week. The 6s. per week thus saved, if applied towards the purchase of his house, will accomplish that inspiring object in about six years.

*Application to the Extremely Poor.*—As so great a saving results from this association system, it is important to inquire how far its benefits could be carried into classes of our poorer society, as compared with whose very restricted means those of our ordinary working man may be regarded as ample. Respectable and well-conducted in their own humble sphere, there are multitudes whose only fault is their inability to earn more than perhaps 2s. 6d. or 3s. 6d. a week. Such small sums, with all the economising aids that are at present available, are quite unequal to the maintenance of an adult person of either sex in good health and condition.

Let us try to realise the better position in which persons in these extremely poor circumstances might find themselves placed by the aids of our co-operation system. These persons are probably, for the most part, isolated adults or members of broken families. Let us assume our edifice to be so arranged that it can be let off in single rooms, and let us average four persons to each room, an arrangement by which we can get well-aired rooms at a moderate charge to each. The rent of each room is 2s. 4d. a week; that is to say, 7d. a week to each person, or 1d. a day per head for house accommodation.

*Power of the Small Sums of the Many.*—But these weekly sevenpences of many tenants mount up to a large sum, and, we should see, are sufficient to provide for much more, under the co-operation system, than the mere rent. The building complete, with its four hundred rooms, costs 20,000l., and the weekly sevenpences of sixteen hundred tenants make a yearly total of 2426l. 13s. 4d. After deducting seven per cent. for capital purposes of the association. These are, in the first place, to secure the interests of the landlord by keeping the edifice in repair, and fully insured against fire, and by meeting the public



taxes; and in the next place, to provide for the associated body, by introducing water supply, and by properly heating and lighting the common hall.

In these arrangements a separate room to each person, a very desirable enjoyment, is hardly attainable with the narrow finances we are dealing with. Perhaps, however, by a system of large and lofty rooms or corridors, with partitions rising only half way to the ceiling, each person might be awarded a small but adequate separate room. By the use of the hall and balconies, every inconvenience arising from such small spaces, or from several persons being assigned to one apartment, may be expected to be very greatly diminished.

By the aid of a common kitchen, and the systematic preparation of some principal articles of the cheapest and most nutritious food, the small means we have at present to deal with are invested with an unwonted power. In fact the half-crown that was so totally inadequate formerly, will now support an adult person in good health. The weekly sevenpence, besides paying his rent and securing him comforts on a scale previously unknown, will include an amount for a considerable reserve fund. Such a fund is perhaps indispensable in dealing with so poor a tenantry. It is in fact the balance-wheel of the machinery that maintains it at its regular pace.

These estimates, no doubt, assume some things rather more hopefully than ordinary experience might warrant. For instance, they make no account of law expenses, which, however, thanks to the late Land Transfer Act of the Lord Chancellor, may perhaps be a very unimportant item. And again, they take for granted that there are no unlet rooms, no unpaid rentals, nor yet any unusual destruction of property. On these points one can scarcely, at this stage of the inquiry, venture to say more than this—that if there are very obvious advantages, and if there is a well-judged code of regulations, these various contingencies are not of a kind to occasion much alarm. Membership in such association may reasonably be held at some premium, so that applicants will generally outnumber vacancies. But the reserve fund, as already stated, is the great regulator in this part of the business. The fund must bear such proportions, and be placed under such regulations, as experience may show to be necessary for accomplishing the objects in view.

*Mode of Management.*—With regard to the working classes generally, my plan contemplates leaving them to manage all its details amongst themselves, as they now do so generally with other subjects in which they are interested. But with the more extreme cases as to pecuniary means, this course cannot perhaps be always reliably adopted, and thus expenses will be increased

by the necessity for extraneous assistance in the management. And yet those who are brought most in contact with this class of life—magistrates, missionaries, and clergymen—may, after all, testify even of the humblest poor far more favourably than those who know them less. Even these may show the requisite qualities when they are afforded the opportunity. Many of us will recollect the sad reports during last winter of cases of death by starvation, in which it was stated the weekly dole of rent had been paid by the sufferers with the most scrupulous punctuality up to the time when the great final account was to dissolve all preceding contracts. Our system demands, of course, a judicious selection of the individuals who are to carry it out. It cannot exist with the indiscriminate, whether of the poorest or of any other class.

*Necessary Restraints and Constraints.*—And no doubt the system requires also, among its associated members, a large share of mutual forbearance and consideration. I suppose, for example, that all smoking must be prescribed our hall, and no less perhaps all intoxicating drinks. But, after all, are these serious difficulties? I noticed lately, in the case of a working men's club at Westminster, that when it was feared the alcoholic difficulty would have wrecked the institution at the outset, the matter was settled with equal facility and unanimity, and that too, at the instance of no other than a veteran frequenter of the alehouse. This person's argument was, that although he would have his beer, and thought that all who liked it and could pay for it should have it too, yet he wished often to be free from the public-house and its associations, and this he could accomplish by stepping into his club.

Again, there is the question of personal cleanliness. Our begrimed operative is not, in most cases, in a condition to pass direct from the dust of his daily toil into the common drawing room. Here I may remark, that manufacturers do grievous injustice to our working men by their mode of making up finishing those moleskins that are the operative's favourite attire. Many an athletic form is robbed of its due share of our admiration by the sour and putrid starching of Manchester fabric. One great assistant here is the bath, which should not only be a gratis institution in the association, but also be warmed to the temperature that is found to give it the greatest attraction. The men might be privileged to it in the evening after work, the women at some earlier hour, while at other times the bath-room, of adequate dimensions, might be the common washhouse of the association. The attention of so many of even the poorest classes to personal neatness and change of attire on Sundays and holidays, and upon occasions of soirées or other social gatherings, may sufficiently encourage us in this question.

Our system may be useful for still higher aims. The awful revelations connected with the over-crowded dwellings of the poor lead to the question whether such associations as are here proposed can be prevented from lapsing into a like condition. But the very fact of an associated body under a committee of management seems quite inconsistent with, at least, the grosser form of the evils hinted at. No regulations worthy of the name could allow, for instance, that adult males and females should occupy the same sleeping-apartment; nor would it be seemly that persons cohabiting in an unmarried state should intermingle with the respectable matrons and families of the association in its common hall.

In conclusion, I can readily admit that the proposed system may present to some minds a highly artificial, not to say a non-natural aspect, in these gatherings of the labouring and poorer classes, by hundreds of families together, into great buildings, where, in spite of the well-known seclusive tendencies of our English domestic life, each must be in many things regulated by his neighbour's convenience as well as his own. I expect to be told that there will never be adequate cordiality, and that even if the men can so far agree, the women cannot or will not. The compulsory or ignoble associations of a barrack or a poor-house suggest themselves. But any experience hitherto with such edifices has wanted that which is the main charm of the whole—that is, the independence of the inmates. Call the edifice as you will, it is their own, rented or paid for by their own money, and conducted under regulations that are all made or assented to by themselves. I may state, in alluding once more to the economy of the proposed system, that multitudes of our working men are now earning a rate of wages that would be adequate, under this plan, to enable them to live in palaces of marble, with halls as magnificent as Guildhall or Westminster Hall. Doubtless they are not in general ambitious of such display, and they may, therefore, save the difference between that and a less pretentious style. This saving would in a few years, as I have said, enable them to become proprietors of their dwellings instead of tenants. There must be difficulties at first with our project, more especially if it be carried into circles of extreme indigence. Here, however, would be the scene of its greatest triumph, and next to nobody any reasonable prospects, the grandeur of ultimate success should prove a sufficient stimulus. We must not despair of such success so long as we have faith in those proverbial virtues “of our humble poor;” and our experiments would be fatal to these virtues by furnishing a sphere for their reward such as they have never heretofore enjoyed.



## EMPLOYMENT FOR WOMEN.

By WHATELEY COOKE TAYLOR, ESQ.

SOME PRACTICAL PROPOSALS FOR AFFORDING INCREASED  
EMPLOYMENT TO WOMEN.

**A**CCCEPTING as a fact that women are human beings equally with men, that they are subject to similar influences, governed by the same natural laws, and possessed of bodies, souls and appetites, all requiring their proper sustenance, accepting also as a fact that their present position in the economy of society is inferior to that of men, and demands improvement and reform let us see what means are in existence towards the accomplishment of this end, and what changes for the better seem more immediately feasible.

The first and most complete which suggests itself naturally is the throwing open of all professions and occupations alike to the members of both sexes. But this, in the present day, is not a easy matter; "possession is nine points of the law," and man who is in possession, is not disposed to relinquish his advantages even where his reason is convinced, the strong powers of prejudice and custom have yet to be subdued, and the more concealed but not less active influence of selfishness to be eradicated. "What is to become of our 'love, honour, and obey' theory?" say men, "if women are to be put on an equality with us? And how is our dominion to be perpetuated, with the moral certainty of equality before the law following upon the social equality born of equal rights?" Truly, the question is not an easy one to answer, nor, in our opinion, does it matter very much whether it be answered at all or not; we would have the worthy man gain the reward of his worth, and the worthy woman gain the reward of hers, and perpetuate no dominion or enforced superiority whatever.

Nevertheless, as these are the questions that arise, and the difficulties that occur, it is well and proper that one who is the pretension of being anything more than a mere theorist should take them into account, and see how they can be qualified or overcome. The weakness and folly of human nature are essential elements in the study of social science as its strength, and as necessary and important of investigation and research. In an essay whose object is practical utility, it would be un-  
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lonable to slur over difficulties which, in appearance the most shadowy, are in reality the most perplexing and dangerous, and which, containing within themselves no substance, are, for that very reason, the least susceptible of demonstration. We must confess, then, that the public opinion of the present day is not in favour of the complete emancipation of women, and that, even in the question of labour, it is, for the most part, exclusive and masculine in its sentiments. Yet, even with this conclusion before our eyes, we think there is still much to be done, and a possibility of great good, nevertheless. For, in the first place, all professions and occupations are not alike, nor will similar objections apply to many together. Though there be no arbitrary rule to inform us beforehand what is fit for women, and what is not, there may very well be different degrees of fitness, and different degrees of offence to prejudice and custom. It will devolve upon us, then, with all these considerations to guide us, to seek and point out those employments for which they may seem most immediately adapted.

It is evident, at the first glance, that there are some which militate far more against custom and association than others. Scarcely any exertion of thought can we conceive the army or navy to be professions suitable for women; nor does it take a much less effort to imagine them as engine-drivers, hackney-coach drivers, or stonemasons. Yet we know that women have been not only soldiers, but generals before now; and at this moment there exists, or is said to exist, in the centre of Africa trained bands of female warriors. Women may be seen every day handling the reins, and driving with as much certainty and safety as men; and in the backwoods of America it was they who commonly built the log-huts, while their husbands were out hunting for provisions or skins for clothing. It is somewhat difficult, also, to imagine woman as a lawyer, standing up and pleading a client's cause in open court; yet Shakspeare was apparently conscious of no absurdity in assigning this task to Portia, nor will any spectator of the play in which that event occurs remark anything very incongruous in the sight. After all if this is a difficult idea, surely it is a still more difficult one to imagine her as occupying the very highest office of state, and presiding in the councils of the nation as sovereign and queen. There seems no necessary characteristic of a clergyman which would not lay that profession open to women. There is no reason that a woman should not be as proper a spiritual instructor as a man; and, as a rule, they are certainly found to be as devout. Her capacities for the profession of doctor of medicine have, perhaps, excited more controversy than anything else of the same kind, from the fact of its having been the first pro-

fession in which she has essayed to try the merits of the question. For our part, we can see no reason why there should not be female doctors, and many valid ones why there should. In the special department of diseases of women they could not be but exceedingly useful, especially as the morality of the present day chooses to enshroud all such matters in mystery. It is but a poor absurdity to say that physical studies, as promotive of indelicacy, would spoil the female character; for it is well known that such studies are far from promoting anything of the sort, but that all their tendency is to produce reverence for the body, and a deeper respect for the feelings of others. When will rational people learn to rid themselves of these vulgar prejudices? When will they discover that there is far more indelicacy—if indelicacy there be in either—in the fact of a man receiving the physical confidences of a woman, than in the fact of one woman preparing herself for attendance upon another. In the department of trade women are already, to a great extent, on a par with men. Women own shops, manage hotels, let lodgings, buy and sell; and there are few that will assert that in such matters they show inferior capacities to the other sex; so far is this from being the case that the management of a household is deemed especially adapted to the woman, and the domestic economy is usually placed more or less completely in her hands. It is common in business, more especially in the smaller businesses of minor towns, to find the woman the keeper of the accounts, and the man the salesman and manager of the concern; in this instance the woman performs by far the most important and intellectual labours of the two, and man is accommodated with an inferior duty. The branch of accounts seems, indeed, one for which women are eminently qualified, and which runs less counter than most others to the prejudices of the day; there is no active bodily exertion, no publicity or display, nothing of what is more particularly called masculine about it. Women are generally neat and exact, have something of a fondness for figures, and take a pride in seeing their own handiwork; it is not one requiring any very great or special education; it is not one involving any very great hardship or toil. Here, then, is a path to independence within the power of society to throw open to them at once, without incurring any of the odium which might be expected to follow upon a more radical change. Why should not women be employed in banks, and commercial houses, and legal offices, and the like? And, chiefly, why should they not be employed as civil servants of the Crown? The civil servants of the Crown are estimated, we believe, at about 30,000; they are for the most part a poorly paid but not hardly-worked class of persons, and



their life is essentially routine, sedentary, and unadventuresome. Their duties are excessively simple; without disparaging a class which has already been sufficiently assailed by ignorant and vulgar prejudice, we may safely assert that, as a class, they do not require, and are not possessed of, the highest order of intelligence, and that individuals of even very moderate abilities are likely to succeed in their calling as those whose intellectual qualifications are very much superior. Surely, then, here is an opening in every way suitable for woman; it is by such a one that women of the present day must first by their strength and prove themselves competent for greater things. All great changes to be effectual must be gradual, and the outposts must be taken before the citadel itself is stormed: let women but prove themselves as good *clerks* as men, and all the generosity, and all the humanity, and all the sound social and political philosophy of the kingdom will be in their favour, while the only one thing which can oppose them will be pure and undisguised selfishness. Let us see what are the duties that they would be called on to perform. In the great department of the Post Office, for instance, there are the sorting clerks, those who arrange the letters and dispatch them to their respective destinations, the disposing clerks, those who sell the stamps, make out the Post Office orders, &c.; there are those connected with the new institution of Post Office Savings Banks; there are travelling clerks, and there is an account branch. For which of these is it that women are unfit? If for any, possibly for the travelling clerkships, so few in comparison as to amount practically to nothing. Will it be said that there is any natural impediment to a woman sorting letters as well as a man? — to her selling stamps or making out Post Office orders? Why in many village post offices not only does she do this, but everything else besides; she keeps the accounts, answers the inquiries, and attends possibly to business of her own meanwhile. We cannot see that there would be even the shadow of justice in such a pretence. Again, let us take another large public department, the Audit Office. Most people have a sufficiently clear idea of what is the nature of auditing accounts; it is a process in which one set of accounts is compared with another, with a view to *checking* them and proving that either is correct. Well, why should it be esteemed especially a man's duty to compare several sheets or folios with one another? Such employments, in the sense in which *manly* is commonly understood in modern society, seem to be the very reverse of those which could command that qualification. All public offices are regulated and governed by a certain system, and when a short apprenticeship has been served to that system, and it has come to be understood, we cannot for the life of us

see why a woman should not be as good a public servant as a man and we can imagine many reasons why she should be a much better. Even in the Treasury itself, and the numerous and various offices of which it is the head, we do not clearly see why the greater natural claim a man has for employment than a woman. The business of the Treasury offices is almost exclusively of an account nature, with a little of an administrative kind among the superior officers. We have already given our ideas of a woman's aptitude for accounts, an aptitude which seems to us almost as great as a man's inaptitude to the same end. What on earth is there to prevent her employment in this department? The process of summing up columns of figures, and copying amounts from bills or vouchers on to sheets of papers, or transferring them from under one heading in one book to another heading in another, constitute absolutely the whole of what is included in the expression of "keeping accounts;" there are, of course, different systems of book-keeping which one learns by practice, and in a very short time (or which one needn't learn at all, the process being so simple that almost every one teaches himself), but all of which resolved to their elements simply arrive at this—an accuracy in copying, and a sufficient knowledge of compound addition. In simple common sense, why are these duties esteemed especially masculine; in simple common justice, why are they reserved especially for men? The same remarks that we have made above will apply with equal force to that large body of offices included under the name of the Inland Revenue, to the Board of Customs, Admiralty, &c., except where the employment is out of doors, and not such as one generally associates with the title *clerk*; here are 30,000 lucrative appointments—lucrative when compared with those now open to them—which could be without damage and even advantageously placed at the disposal of women, and the competition for which would raise the standard of education, and independence, and industry, and in fact, almost everything in which the female character is at present lamentably deficient. Our legislators, who are ready enough to enact laws against destitute women whose misery is their chief crime, have here a splendid opportunity of proving their patriotism and real care for morality, in providing them with the means of honourable subsistence and of raising their character and utility to a height hitherto undreamt of. The present Ministry is worthily bent on reform; here is a reform the adoption of which would confer upon them undying fame. It is not a proposal—just as that be in itself—to admit an entire million of British subjects to a share in political rights, but it is a proposal to emancipate ultimately but surely one half of the human race, to give to patient, long-suffering, oppressed women

that equality of social rights which has been so long unjustly kept from her by the tyranny of man. The Government, if it be truly liberal and enlightened Government, cannot but deplore the present wretched and frightful condition of a great majority of the female sex, either sunk in abject poverty and driven to crimes, infanticides, and everything that is horrible to contemplate, or else living a life of shame, and demoralising socially, physically, and mentally the community. Hitherto it has made no effort to remove this great scandal, or when Ministers have taken steps towards that end, they have invariably been in an entirely wrong direction; now is the path of real reform open to them, now is the cure placed within their hands; for let it not for a moment be supposed that, were these suggestions adopted, the good would end there; let but the Government take the initiative in opening employment to women, and straightway private companies, firms, banks, &c., would follow its example, the 30,000 would become 100,000, would stop nowhere but where the real limit of woman's capacity and desire to labour rightly lay.

The objections which would most probably be made to this proposal may be placed under two heads, as immediate and future, of which the latter are by far the most important. What we may call "immediate objections" are those which instantly occur to any superficial person upon the subject being brought under his consideration, and are similar to those which invariably occur to superficial persons upon a proposal for the introduction of any reform whatever being first broached. They are, firstly, the disturbance of the *status quo*, and, secondly, some presumed difficulties in regard to bringing together persons of opposite sexes. The first is much too old an absurdity to call for refutation; the second, having the advantage of novelty, is perhaps worth a short waste of time. The first way in which the opening of (for instance) civil appointments could be effected, and the ultimate opening of all the professions, would be by allowing women to mix freely with men, and profit by the results of their longer experience. In a Government office, for example, women would have for a time to be under the guidance and tuition of men, and possibly to work in the same room or even at the same table with them. This is sometimes relied upon as a conclusive objection. Why? We are utterly at a loss to say. Taken at the best, it is not a very gallant one. We are inclined to believe that it contains about an equal share of reason. Men and women meet and mix together in social life, travel together in trains, ships, and omnibuses, buy and sell from and to each other, do not go to separate places of worship or even of amusement, and yet we are emphatically unable to recall any very terrible results



which follow. But it is said if they work together for six hours in the day at a similar occupation these will follow. Indeed! and yet men and women work together at similar occupations in shops for even a longer period of time; they live together for months and years as servants in gentlemen's houses; they are even to be seen at such "unfeminine" places as hospitals and the like, working together harmoniously enough with men. But if it be in the fact of a Government employment that the difficulty consists, yet are there to be found male and female warders within the same prison; male and female searchers are employed alike as Custom-house and police officials, and we have not heard that the system has been found to work badly. But it may be said the mixing of the sexes, not productive of actual evil, would at all events tend to idleness and lead to gossip, &c., instead of a strict attention to official duties. This we cannot admit as bearing against our proposition wherever two or more individuals occupy a room, together for a certain number of hours, it is to be expected that there will be conversation. The only doubt in the matter is, whether the conversation will be of a desirable nature or the reverse. Surely it will not be seriously alleged against women that their presence under such circumstances is likely to lower the tone the conversation will assume? We had always believed that the acknowledged influence of woman's society upon man was to refine and purify both his thoughts and his expressions, was to elevate the tone of his conversation, and act as a healthy check upon his grosser nature. We have also heard it suggested that a great amount of "flirting" would in all probability occur, that attachments might be formed, and jealousies aroused. Against this we have simply the strong argument of facts to advance; such attachments have not arisen where the sexes have hitherto been employed together; nor even if an exception should be made in favour of this class of employments, can we distinctly see why flirtations amongst those meeting in the way of business should be so much more deserving of condemnation than flirtations amongst those meeting in the way of recreation, which, nevertheless, are not deemed very deadly sins. All such objections as these are equally false and puerile, and eminently unworthy of a question of such deep and vital interest.

Of far greater consequence and difficulty are those which have been classed as *future* objections—that is, objections in the future. These are, in fact, the most serious of all, though still, in our opinion, anything but insurmountable. They are the physical drawbacks to the regular employment of women, and the supposed severance of domestic ties following upon an enlarged sphere of actions and ideas. The first is the great point

There is one essential difference, amongst others, between men and women, namely, that it devolves upon the latter to bring children into the world. At intervals, then, many women would be compelled by the mandates of nature to be absent from their official duties; and this is the reason that at other times they should not be employed. Now let us examine this reasoning somewhat closely. What do men do when they are compelled by illness to absent themselves for a period? This much we can ascertain for certain: men procure sick-leave of absence upon a medical certificate, or, if the illness is prolonged, provide a substitute, or, if prolonged further still, resign their appointments. Why should it be impossible for women to do likewise? Whenever it became a necessity for them to be absent for a while, why should they not be allowed to procure a substitute until they could again return? If unable to provide a substitute, they should then forfeit their appointments; but meanwhile they would have enjoyed a competence up till then, which, under scarcely any possible circumstances, can they now obtain. This is not a very far-fetched solution of this difficulty.

As for saying that a woman would give less attention to her home and family if provided with other employments besides those strictly comprised in domestic duties, that her natural affection for her children would be less, such a dictum is the weakest assertion that ever was. All experience flatly contradicts such an opinion. It is precisely those women the most useful to society who have ever possessed the greatest natural instincts, and precisely those the most useless who have made bad mothers, bad wives, and evil instructors for the young. Or supposing the very worst that could occur—supposing a woman making excuse of her public duties to escape the fulfilment of her private and more pressing ones, we do not imagine the children would be greatly harmed by the absence of instruction from such a one. Nor can we conceive it possible, except in the very rarest instances, that a woman of education and culture would ever neglect her family for any other consideration whatever. It is not the woman whose mind has been cultivated, whose understanding has been enlarged, and whose passions have been invigorated by healthy discipline that makes the bad mother; but it is she of the hardened or stultified intellect, whose condition is little above the brute's, or she, the vain, foolish, enervated coquette, product of modern civilisation and innate worthlessness. It is not by going out into the world and mixing boldly with others, and honestly and righteously earning her own bread, that woman degrades and weakens the instincts and affection, with which her God has gifted her; but it is by lolling about lazily at home, and talking idly talk, and reading foolish novels, that she blunts her mind,

enervates her appetites, and becomes a frivolous and heartless creature.

There are many other employments, such as those of civil engineers, architects, &c., for which women seem exceedingly well adapted; but of such we have no space here to treat in detail. Sufficient has been said to show their capacities, at all events, for one great class of employments now entirely in the hands of men, and to point out a sure and easy path by which increased facilities may be afforded them, without trenching to any great extent upon the prejudices of the day. We hope time may come when they will themselves assert these capacities and when, more strongly than they have ever yet done, they will with one accord force their claims and the justice of their cause upon the public. Meanwhile it becomes all those who have the true interests of social science at heart to lend them a helping hand, and wish them an earnest God-speed upon their way.

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## LADIES' DRESS,

### IN ITS MORAL AND ÆSTHETIC ASPECTS.

THE comments of those writers who have recently taken upon themselves to criticise the style of dress which adopted by some ladies in the present day, go a very little way towards explaining the true causes of the phenomenon; and it is to be regretted that the subject has been so superficially treated by those who have attempted to discuss it.

The word "phenomenon" is peculiarly appropriate as applied to the present subject: it is derived from the Greek word which literally means "to appear;" we employ the term to signify unusual appearance; and truly the apparition of a half-draped lady in the ball-room or at the opera, is a phenomenon, at the period of our civilisation, that may well startle the so-called "polite public" into propriety, and set our philosophers' brains to work, in order to discover the causes of so great a lapse in social manners.

In regarding this subject from my own point of view, I necessarily take up an entirely different position from that of the writers who have preceded me;\* yet I desire that the few remarks which I am about to offer on the subject shall be perfectly fair.

\* Articles and correspondence in the *Morning Post* on "Ladies' Dress" during the month of June.



from one-sidedness; for while I do not defend the one sex for adopting a fashion which is the subject of animadversion, I cannot altogether excuse the other sex from blame in the matter.

The fact is that taste in dress as well as in manners has degenerated, and a meretricious style has been adopted, in order to suit the ideas of a fast, frivolous, and—it may be added—an incorrigible age. The low-necked dress, with the bold look and bearing of the wearer, are but signs of the times in which we live; these imitations of an inferior style have been imported into what we are accustomed to regard as “good society,” from the regions of the *demi-monde*; and, may I ask, whose fault is it that such degraded tastes prevail? Can it be matter of surprise if some of our mothers and daughters—vain and frivolous they may be, but actuated simply by an innocent desire to please—have followed the direction of men’s gaze, and have copied that which appears to be attractive? Thus the coarse, the common, and the immodest elements in dress and manners have gained ground, and have extended into circles where they are peculiarly out of place. The difference in the two classes so forgetting the true attributes of their womanhood is this: that in the one case such demonstrative behaviour is associated with what is corrupt in morals; in the other there exists the appearance only of evil.

By such means Art has been debased in the service of dress and fashion; as it always must be debased whenever and wherever it is used as an end solely to gratify the senses, instead of being employed as a means to some higher aims—those which are intellectual, elevating, and refining.

Some lessons are taught best by the exhibition of contrasts: the present is a case in point; and now that the mirror of public opinion has been held up to those ladies who have exceeded the limits of good taste in matters personal, they will detect the incongruity between that which they appear to be, and the inner self—that innate consciousness of purity and goodness which every true-hearted woman desires to maintain.

The evil which we are considering would doubtless ere long rectify itself, for the effect of an undue development of person is to repel rather than to attract; and it might be left to work its own cure, if it were not that the subject embraces consideration of a moral as well as an æsthetic character, which are too important to be passed over in silence at the present time.

The truly artistic element in dress includes the idea of modesty; chasteness of style, whether in form or ornamentation, is the most pleasing to the eye; it is employed to enhance beauty of whatever kind to which it may be applied, or with which it may be associated; this cannot, certainly, be said of the fashion

in evening dress which prevails amongst ladies at the present period.

I have remarked that the evil which we are considering contains in itself an essential element of ill success; for that which is false and shameless cannot long hold its sway, while that which is pure and good will endure.

The men who have been the means of spreading a depraved taste by countenancing it, have now seen results the production of which they neither desired nor expected; but they will turn to better things ere long. There is in most men—unless utterly corrupt, even when their social life may belie their better nature—an appreciative sense of woman's goodness, and a consciousness of those higher qualities which distinguish the most estimable of her sex. The man of the world, yielding for a while to unworthy trammels, has chosen to stand aloof from virtuous women, and while his judgment has approved her excellence, his heart remained untouched; let him now, if ever, shake off the yoke which has too long bound captive his better self; let him turn to his admiring and respectful looks towards her—whether mother, sister, or wife—who will be a good angel here, and will lead him, who will make her his friend and guide, to a still better life hereafter.

This is my view of the matter, and as it is a hopeful view I desire to give it expression through the medium of these pages.

Ere these lines appear in print, the London season of 1861 will have passed away; but as Fashion reigns all the year round, in some part or other of the Queen's dominions—indeed, in many places at the same time—so, until these or similar suggestions shall take effect, such reflections as the foregoing can never be deemed “out of season,” or out of place.

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## REVIEWS.

## MEDICAL JURISPRUDENCE.\*

DR. TAYLOR is well known as one of our most laborious writers on medical jurisprudence, and a more complete work on this subject, from his pen, cannot but be welcome to all students of this important department of human activity. We have especially to be thankful to medical examining boards that, by requiring students to attend courses of lectures on medical jurisprudence, they have created a demand for works like the present; in fact, all the great works on this subject have been produced by medical writers, whilst lawyers, who are equally interested in this subject, have scarcely entered upon the scientific part of the subject at all. It is on this account that medical men are now so much more frequently called upon to exercise the judicial functions of coroner. At the same time this is really an accident. There is no more reason why a medical man should be a man of science than the lawyer; in fact, all men should be instructed in the principles of science, and there is just as much reason why a lawyer should understand natural philosophy and chemistry as that these sciences should be understood by a doctor. It is painful to witness, in courts of law, the blank stupidity of lawyers and judges of the commonest facts of the natural sciences. It would be an interesting subject for inquiry to ascertain the amount of injustice inflicted annually in our courts of law by the want of a knowledge of the simplest elements of natural knowledge on the part of those engaged in the administration of justice in this country. It is an absurdity to talk of the education of magistrates and judges for their functions when only a very small number of them have an education that would enable them to read intelligibly the volume which Dr. Taylor has just produced for their benefit. It is as we have said, an accident that medical men are qualified by education to study those facts which are involved in what are called medico-legal inquiries. We are indebted to some of our universities and examining medical bodies for demanding of medical students a knowledge of the facts of certain sciences which are founded on inductive inquiries. It is not all medical bodies which are thus advanced. Thus, we find the College of Surgeons of London, although requiring attendance on courses of lectures on chemistry, not examining on this subject, and thus sending forth men to practise surgery who are utterly unqualified to give evidence in medico-legal cases before our courts of law.

The subject of medical evidence is taken up by Dr. Taylor in his Introduction, and he very properly points out how utterly valueless and insufficient it is where men have been instructed empirically, and not

The Principles and Practice of Medical Jurisprudence. By Alfred Swaine Taylor, M.D., F.R.S. London: Churchill and Sons.



taught to appreciate inquiry upon the principles of inductive science. He is an advocate of introducing into our courts of law, and especially our coroners' courts, experts, who, having been especially educated to make medico-legal inquiries, would be more competent to decide than the great mass of medical men as they are at present educated. There is no doubt such a system could be easily adopted in our large towns but whether it could be successfully applied to our small districts is open to question. Whether it be possible so to divide the country into districts as to obtain a competent expert in all questions of scientific research in the coroner's court, there is no question that in cases involving scientific inquiries it would be better that the presiding judge should be able to appeal to some court of assessors than be dependent, as at the present time, on the contradictory evidence of scientific men, hired for the purpose of giving one-sided views of any particular question. One of the most humiliating sights that can be seen is a court of law with twenty scientific witnesses on one side and twenty on the other, and a presiding judge utterly unable to comprehend the nature of the evidence given by any one of the forty. If a court of assessors, consisting of men profoundly versed in certain branches of science, were formed, and to them were referred all cases requiring special knowledge for decision, there would be less injustice and less cost in the present decisions of our courts of law.

But as long as we must submit to the present condition of our courts of law, so long it will be the interest of every lawyer and medical man to grind up for the evidence to be given in what are called medico-legal cases. It is with the object of assisting medical and other witnesses to inform themselves of the nature of these cases that works on medical jurisprudence have been written. The subjects of inquiry which are thus treated of cannot be embraced in any scientific definition, nor can there be said to be a science of medical jurisprudence. It embraces an inquiry into all those accidents or natural occurrences in the human body which may be brought under the cognisance of our courts of law. A glance at the contents of Dr. Taylor's book will show what a heterogeneous mass of facts are thus brought together. Questions connected with the Dead Body, Poisoning, Wounds and Personal Injuries, Spontaneous Combustion, Asphyxia, Pregnancy and Delivery, Legitimacy, Infanticide, Rape, Insanity and Life Assurance, are the succession of subjects which are discussed in the pages of Dr. Taylor's volume. They might possibly be arranged in a more scientific order; but it is very evident that special knowledge of these subjects can only be obtained by the study of certain separate departments of science. Thus, take poisoning. No sound knowledge of this subject can be obtained but by knowledge of the chemical nature of poisons, and their physiological action on the human body. To read on this subject without having been instructed in the principles of chemistry and physiology may supply a certain amount of knowledge, but such knowledge is as likely to mislead as to be of service. So with any other departments of the subject, the only profitable way in which it can be studied is a preparation of the mind by a previous acquaintance with the elementary

principles on which its facts and their application rest. What we plead for, then, is this, that those who practise in our law courts, and are placed there as judges, should be instructed in the elements of natural science, so that they may understand the nature of such inquiries as those implied in the subjects treated of by Dr. Taylor. Happily for the medical profession, the large bulk of them are placed in circumstances by which they can profit by the study of Dr. Taylor's book. We have made a study of the work, and can conscientiously recommend it as most trustworthy on the various subjects on which it treats. It is alike adapted to the study of the lawyer, the medical man, and the statesman, and we should hail the day when such a book would form part of the private library of the gentleman and the public library of the working man. It is only when questions affecting the integrity of the life and health of the community are studied by all classes as part of the duties of a citizen, that we shall reap all the advantages which a knowledge of natural laws is capable of conferring upon man.

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### BRIEF NOTICES OF BOOKS AND PAPERS.

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*Report to the Special Sanitary Committee of the Commissioners of Sewers of the City of London.* By H. LETHEBY, M.D.

In this report Dr. Letheby details the special proceedings which have taken place under his direction and control during the threatened invasion of cholera. An extensive employment of carbolic acid in cleansing the sewers and drains has been enforced, upwards of 800 gallons of carbolic acid having been used for this purpose. All the pumps supplying water from surface wells have been closed, and a systematic supervision of the houses of the poor has been effected. But few cases of cholera have occurred in the City.

*The New Orleans Medical and Surgical Journal*, July, 1866.

The first article in this journal has little to do with medicine and surgery, and, characteristic of the city of its publication, is devoted to the Instincts of Races. It is from the pen of Dr. J. C. Nott, of the "Types of Mankind" celebrity, if we mistake not, and has for its theme the instinctive dislike of the negro race to agricultural labour. Of course the conclusion arrived at is the necessity of overcoming his instincts, and making him do agricultural work by the aid of the cat; but surely this is not sound philosophy. With regard to the lower animals, we should not think of overcoming their instinctive dislikes by force. We could not make a dog overcome his instinctive dislike to flying by whipping him, and if we did make him fly we should infer that there were other means of doing it besides whipping him. Again, if he succeeded in flying by whipping, we should conclude he could be made to fly by some milder inducement.

The remaining articles are very creditable to the medical profession of New Orleans, and we can only hope that the journal will in future maintain the high character of the present number without articles of so very doubtful a character as the one to which we have alluded.

*Plague: its Prevention and Cure.* By JOHN J. LUNDY. London: Simpkin and Marshall.

The author is of opinion that the poison of the cattle disease is capable of being carried about from place to place through the medium of volatile ammonia, and, as gum absorbs this agent, he believes it capable of arresting the extension of cattle plague.

## MONTHLY CHRONICLE.

**Zymotic Diseases in London, in August.**—The following table drawn up from the returns of the Registrar-General for August, gives the number of fatal cases from zymotic diseases:—

Small-pox . . . . .	125
Measles . . . . .	153
Scarlet fever . . . . .	141
Diphtheria . . . . .	27
Whooping-cough . . . . .	158
Typhus . . . . .	183
Diarrhœa . . . . .	941
Cholera . . . . .	2554
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	4282
Less Diarrhœa . . . . . 941	} 3495
„ Cholera . . . . . 2554	
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**Zymotic Diseases *minus* Diarrhœa and Cholera 787**

It is worthy of note, that all other zymotic diseases are less in number since the outbreak of cholera. The following list shows the prevalence of zymotic diseases, independent of diarrhœa and cholera, since the beginning of the year:—

January . . . . .	955
February . . . . .	910
March . . . . .	1229
April . . . . .	1045
May . . . . .	1078
June . . . . .	1351
July . . . . .	879
August . . . . .	804

The rapid diminution of these diseases on the appearance of cholera is worthy of note. It can only be explained on one of two theories; either cholera and diarrhœa find their victims in those who would otherwise perish of other forms of zymotic disease, or the cleaning and attention to sanitary rules on the occurrence of cholera serves to prevent other forms of contagious disease. We are inclined to the latter explanation, on the ground that the diminution of other forms of zymotic disease is not greatest when cholera is most prevalent, but is found to exist throughout London. The other forms of zymotic disease had been gradually increasing in London till the outbreak of cholera in July, when suddenly their numbers are reduced from 1351 in June to 879 in July and 804 in August. If there were any grounds for believing that the present anxiety about saving people



from death by cholera would be extended to saving them from death by the equally fatal presence of typhus, small-pox, and scarlet fever, one might hope to see the fatal inroads of other zymotic diseases arrested, and entertain the hope that a new and brighter era had commenced for our destitute and fear-stricken populations. But past experience forbids the indulgence of such a hope. When cholera is gone, and personal anxiety about an attack of this rapidly fatal disease is past, our legislators, our magistrates, our vestrymen, will look upon typhus, small-pox, and their consequences with the same leaden eye, and permit the great river of preventable diseases to run on, as though some fatal demon directed its course, and piously refer its awful disasters to a mysterious Providence.

**Mortality of British Cities in August.** — The following list gives the rate of mortality per 1000 per annum of the cities named for the month of August, 1866. This list is made up from the weekly returns of the Registrar-General for London:—

1. Liverpool . . . . .	54	per 1000
2. Newcastle . . . . .	35	"
3. London . . . . .	35	"
4. Manchester . . . . .	31	"
5. Leeds . . . . .	31	"
6. Salford . . . . .	26	"
7. Sheffield . . . . .	25	"
8. Glasgow . . . . .	25	"
9. Hull . . . . .	23	"
10. Edinburgh . . . . .	22	"
11. Birmingham . . . . .	21	"
12. Dublin . . . . .	20	"
13. Bristol . . . . .	20	"

Liverpool still maintains her melancholy pre-eminence in this list of the mortality of British cities. Throughout the year it has never been so high. We are not able to report that anything special has been done for Liverpool; but we have no recorded instance of a city maintaining so high a death-rate for so long a period of time. It is very evident that extraordinary measures are needed to meet so extraordinary a mortality. There is nothing exceptional in the situation of Liverpool, or in the occupations of its inhabitants. If Liverpool itself is not investigating the causes of this mortality with a view to putting a stop to it, it is high time that the Imperial Legislature should do something. A mortality that mows down the twentieth of a population every year is so frightful, that no city in the world ought to be allowed to rest quietly under it, and especially when the Medical Officer of the health of the place shows that the mortality arises from that class of diseases which are known to be preventable. Surely it would be more profitable for Liverpool to shut up shop for a week in order to give time to its inhabitants to study the causes of this mortality, than to allow such a fearful drain on its industrial resources to go on unchecked. If the mortality of Liverpool was reduced to that of London, 8000

lives would annually be saved, and, with this saving of life, 60,000 persons would be rescued from disease. The cost of disease and death is calculable, and put the smallest sum possible against the above figures, it will be seen that the Liverpool people are indulging at their own expense and that of the nation in a fearfully expensive luxury. If Liverpool itself does not suffer, the nation does; and if Liverpool will not attempt to arrest the pestilence amongst its inhabitants, then the nation ought. If the corporation or any other persons interested in Liverpool doubt what can be done, let them place two or three acres of their worst population under such superintendence as many districts in London are now getting, and we will engage that the mortality shall be reduced half in the next month. What is wanted in all our great towns is a dealing in detail with the causes of disease, and in this manner alone can disease be prevented. A Medical Officer of Health to control and direct is necessary in a town like Liverpool, and it has got a very efficient one; but he needs an army of inspectors and medical visitors with absolute power to remove the causes of disease, before such a mortality as that of Liverpool can be reduced.

**Convict Prisons.**—The report of the directors of convict prisons is consolatory. Both in first sentences and reconvictions there has been marked, though not very large, diminution during the last three years. In 1863 there were 1964 criminals convicted for the first time, against 1424 in 1865. Of reconvictions there were 644 in 1863, and 511 in 1865. The figures are still bad enough, indeed, for it must be remembered that they represent only the convicts in the great "Government prisons," exclusive of the county gaols. They also show how difficult is the reformation of persons once fairly become one of the gigantic criminal class. Out of the nearly 2000 who were convicted in 1865, more than one quarter had been in prison before, and must be set down as for the most part hopelessly sunk in the huge gulf of guilt and crime. The ticket-of-leave system, as now amended, seems to be working well. People have small idea of the numbers of the criminals who are thus at large among them: in 1855 more than 2000 were thus conditionally set free on license. It is not a little satisfactory, therefore, to find that in 1865 only about three per cent. were reconvicted, though a good many had their license revoked for neglect of the conditions on which they were granted. The great point thus shown is that there is a real difference in quality between the worst and the best of the debased of the criminal population, and that the system of giving tickets-of-leave to the better conducted is not a silly dream of moral philanthropy. While of those who are discharged from prison because the terms of their sentences have expired above five-and-twenty per cent. return to their old habits of villany, only three per cent. of the better set, who go out with tickets before the expiration of their sentence, are reconvicted during the continuance of the leave. Doubtless many of those who remain innocent during this period afterwards go back again to their rascalities; but it can hardly be supposed that in all these cases habits are only broken off to be taken up again afterwards.

**Trees for London.**—There is no reason why we should not grow trees in the streets of London. It is wonderful they are not planted on each side of the numerous roads that lead out of London. How much pleasanter would a walk in the suburbs of London be if trees were planted on each side of the footpaths? Under such trees seats should be placed. That trees will grow in London may be seen by the trees in St. Paul's-churchyard. How beautiful is the shade of the planes in Piccadilly, and how people enjoy the seats under them in summer. Why should we not have trees, and seats, and fountains in the streets of London? Our common councilmen and even vestrymen sometimes buy pictures, not always, we hope, with a commercial advantage in view; why not, then, do for the public what they do for their families, give them something beautiful to look at? They do these things in Paris. Here is a voice from the very heart of the City of London on the subject. The *City Press* says:—"As to the facilities that exist in London, they are equal any way to those of Paris. We have a moister atmosphere, and could grow the *Allanhus* better than the Parisians, who know nothing of its true beauties yet. Olms die in London through exhaustion of the dry soil, and so they do in Paris. The *Platanus acerifolia* thrives amazingly in both cities, and the lime is not so unmanageable as it is sometimes described, and shows a blink of green earlier in the year than any other city tree. The horse-chesnuds that are dying in the Champs Elysées and the galleries would make a much better figure in the grounds of Lincoln's Inn, though its gummy exudations are fatal to its extensive use as a town tree. The *Robinias* in Paris are generally fine, and pity we have not a few in some of the larger graveyards of the City, where they would grow magnificently, and bloom profusely, and shed their leaves at the summer long, without harm to any one. This would be a capital city tree, because of the litter it makes on the ground underneath it. We should not be able to bear the sight of a daily strewing of dead leaves, and the broom would be put to use where it is an unknown implement at present. Equal facilities, larger means, and a greater end, place London far behind Paris in this respect, and give us cause for shame that, in the cultivation of art, we have neglected the true basis of art—the observation of nature. Let there be no bewailings that the French outstrip us in artistic and fancy productions. French goods take the lead in the market because French artisans are educated in a truer school; they are familiar with the forms of flowers and foliage traceries; and there is a truth and excellence about their fancy works that thrusts English productions in the shade. We have but to establish gardens in the midst of our cities to enable British industry to compete successfully with the foreign workman; and, while raising the tone of productive occupations, we shall also improve the health and morals of the people."

**our Convicts.**—In the year 1865, with the population of England estimated at about 21,000,000, there were (not reckoning summary convictions before magistrates for minor offences) 12,358 persons who after trial before a court of justice were sentenced to imprisonment



(the majority of them for not more than six months), and 2081 were sentenced to penal servitude. This last number are our convict and the criminal tables of the last thirty years do not show in any other year so small a number as 2081 persons sentenced to the great punishment of penal servitude or transportation. An analysis of the sentences of 1865 also shows a striking decrease in the number condemned to more than seven years of punishment; only 368 such sentences were passed in the year 1865. Only 12 life sentences were passed. All this indicates a decline in the amount of serious crime. The Directors of the English Convict Prisons, presenting their report for 1865, are able to state that there are only 81 convicts under sentence of penal servitude for life, and 51 of these are confirmed invalids, many of them paralysed and bedridden. The Government have been able to dispense with the cells hitherto rented in the county prisons of Leicester, Bedford, Northampton, Aylesbury, and Nottingham. In the course of the year 2463 convicts were received into the Government prisons—2069 males and 394 females. 134 of the males and 28 of the females were persons received back on account of the revocation of their license to be at large before the expiration of their sentence, and 511 of the males and 143 of the females had been before convicted. The number of males reconvicted shows a marked decrease, but the proportion of reconvictions among female convicts has increased, and is very large. The number of licenses revoked shows an increase owing to the stringency of the provisions of the new Penal Servitude Act. The Directors report that in the last twelve years 21,052 males and 3114 female convicts have been set at large in England, either by expiration of their sentence or on license. In the year 1865, 2030 males and 402 female convicts were discharged on license, which is not generally the manner of exit from the convict prisons that only 9 males and 34 females went out by expiration of their sentence. A large proportion of reconvictions among female convicts is due partly to the fact that the majority have been often in local prisons before coming to the convict prison, and are confirmed worthless characters. The superintendent of Brixton Prison mentions an instance of a crafty, selfish woman, who, in every prison she has been in has contrived to dupe some officer to obtain forbidden supplies for her. In this prison a cell for refractory women has been built so isolated that the occupant can neither hear nor be heard, and the intense solitude is found very deterring. The medical officer notices that, as a rule, the women who are sentenced to a second or third period of penal servitude are in decidedly better health than those who are under a first sentence, and states that medically there would be no objection to a second sentence being made more rigorous than the first. The number of female reconvictions is attributable partly to their return to evil influences and difficulty in obtaining employment on discharge. It is satisfactory to learn that the Carlisle Memorial Refuge (in Queen's-square) for female convicts, opened last year, is working successfully, and a similar refuge in Hammersmith for Roman Catholic convicts has since been opened;

mission to these refuges will be obtained by good conduct and industry in prison, as shown by marks obtained. The Prisoners' Aid Society in London also continues its good work, and has during the year undertaken the cases of 516 men and 61 women; and like societies have been established in Staffordshire, Leeds, and Liverpool. The expenditure of convict prisons for the year was 243,850*l.*; in the preceding year it was 252,875*l.* The value of the work done in the year by male convict labour at Portland, Chatham, and Portsmouth, with a daily average of 2945 men employed, was 93,078*l.* The female convicts have knitted a large supply of worsted socks for the army, and the clothing of the convict establishments abroad is now manufactured at the convict prisons as far as possible. Convicts are now almost exclusively employed on Government work; slop work and contract work for private firms have been nearly discontinued. The Directors believe that the system now in force in English convict prisons, of limited remissions of time, governed strictly by the measure of actual work performed, and forfeiture of advantages already gained in case of misconduct, is the true plan for dealing with convicts. They think the general state of the prisons now satisfactory. The convicts are worked hard, and the dietary is no more than rigid medical investigation justifies. The new system of separation and classification works well; and communication between convicts, even on the public works, is scarcely practicable. Books of mere amusement, of an uninstructional character, are excluded from the library. Every infraction of discipline, especially violence to officers and trafficking, which at one time was very rife, has been promptly punished; and, on the other hand, the tendency of all the regulations is to encourage the convicts to industry and good conduct. The Inspector-General of French Prisons has recently borne testimony to our penal institutions as worthy of imitation by other countries.

**Cholera and its Germs.**—The letters of S. G. O. in the *Times* are always interesting. The author pursues his own course quite independent of scientific, literary, political, and religious critics. He does not see why a parson should not keep a microscope, and use his eyes with it, as well as members of the Microscopical Society. In 1854 he made some very curious observations with his microscope, which were of course duly laughed at by the scientific few, who think no one should venture to make *original* observations but themselves. Nevertheless, S. G. O.'s observations, like all truthful observations, have gained attention, and it appears that, after all, "cholera germs" may float in the air. The author takes the present opportunity of ventilating his old notions, and makes the following very sensible observations, which, we believe, indicate the right track for further observations to go in:—  
 "There can be no doubt that there are floating matters, particles, germs, molecules, fungoid spores, or whatever we may please to call them, which do vary, according to the source from which we obtain them, but I have ever found with these there were others, to be found at all times in the purest atmosphere. Agreeing, as I do, with those

who attribute the spread of contagious diseases, such as cholera or rinderpest, to certain air-borne particles of poisonous matter, I am still of opinion that as yet no one has discovered any particle of which it can be said that it is the special agent of any special disease. My own belief is that the danger from all discharges from patients affected with contagious disease exists at its worst when, having become for a time dry, they are afterwards again moistened through damp warm air, or by any other means. I am also of opinion that in a dry state they may give off to draughts of air minute particles, which, finding a nidus on any moist mucoid surface, would thus infect. Cleanliness in a sick-chamber cannot be too thorough; a cartload of linen and other articles might be sent to the laundress every day, and yet a yard square of dirty linen or of dirty furniture of any kind left for a few days would defeat the most liberal and otherwise careful attempts to keep things clean. As to the question of boiling water before use, there can be no doubt that it is most advisable, for you do thus give it the best simple purification in your power. I wish people could be persuaded of the fact that no liquid to be used in cooking in any way food or medicine should ever be exposed to the action of the atmosphere in a bedroom, sick-room, or ward but for the shortest possible time. If patients must have water, lemonade, &c., handy to them at night, let these be kept in stoppered bottles. Let any microscope expose plain water, gruel, tea, milk, or barley-water in shallow thin glass plates to a night's air in any bedchamber, sick-room, or hospital ward, and then carefully examine the surface with a good microscope; he will satisfy himself of the fact that such surfaces are of all others those which receive, to *detain*, a great deal that, for all that we know, may be very deleterious. I don't know what water-butts may be in London; I know that they are very valuable in the country as breeding-places for some of the most interesting organisms we ever exhibit to our friends with the microscope. In London I should expect to find the most gratefully prolific. Water originally but partially pure, kept in rotten wood, which probably never was clean, surrounded by all kinds of dirty things and beings, in an atmosphere ever odoriferous, the bottoms and sides of the butts never cleaned, so that vegetation at the sides is nourished by the accumulated deposit at the base, must ever be water of great microscopic promise. I can quite conceive a glass of clean pure water twice a day acting as a powerful tonic alterative in the case of people who have been thus for years vegetarians and insectivorous by compulsion."

**Cobbin's Brook.**—Mr. Radcliffe, in his report on the outbreak of cholera at Theydon-Bois, near Epping, in August last, suggested that possibly the poison of the disease from that locality might have reached the river Lea through Cobbin's Brook, into which the drainage of Theydon-Bois was carried. The following letter on this subject appears in the *Times* of September 15:—"Sir,—Since it is of the utmost importance that all the facts relating to the origin and spread of choleraic infection should be stated with the greatest attainable accuracy, I venture to occupy, with your permission, a few lines in which to correct an error



at, originating with the Registrar-General, has been frequently repeated in your columns. It is said that the choleraic poison may have been brought by the Lea and its branch, Cobbin's Brook, from Epping, where occurred the cases that attracted so much attention last autumn. For two reasons this is impossible. In the first place, the Cobbin, throughout the six or seven miles of its bed, from near Epping to Waltham, never flows at all unless it be after an excessive and long-continued rainfall. But, supposing that the contents of the pools of last year are by this time filling the pipes of the East London Water Company, there is still no need for alarm; for, secondly, the outbreak of cholera occurred, not in Epping, but in Theydon parish, which is entirely within the basin of the Roding—so that if water is the vehicle of choleraic infection, it will have to be discovered by the dwellers near Barking Creek.—I am, Sir, your obedient Servant, J. FOWELL BUXTON.—Warlies, Waltham Abbey, Sept. 12."

**Earnings of the Working Men of the United Kingdom.**—In a letter to Mr. Bass, M.P., Professor Leone Levi gives the following as the earnings of the working men of Great Britain:—"The numbers of workers or earners of wages in the different occupations in the United Kingdom are as follows (4):—

Ages.	England.	Scotland.	Ireland.	United Kingdom.
Males, 20 to 60 .....	3,800,000	543,500	1,180,000	5,523,500
" under 20 .....	987,000	122,000	246,000	1,355,000
Females, 20 to 60 .....	1,830,000	328,000	513,000	2,671,000
" under 20.....	849,000	110,500	188,000	1,147,000
	<hr/> 7,466,000	<hr/> 1,104,000	<hr/> 2,127,000	<hr/> 10,697,000

The ages, details of which are given in connexion with each branch of industry, seem to amount to the following general averages:—

Ages.	England.	Scotland.	Ireland.
Males, 20 to 60.....	22s. 6d.	20s. 6d.	14s. 4d.
" under 20.....	6s. 6d.	7s. 8d.	6s. 3d.
Females, 20 to 60.....	12s. 6d.	10s. 6d.	9s. 9d.
" under 20 .....	8s. 6d.	8s. 2d.	7s. 4d.
Average.....	<hr/> 16s. 2d.	<hr/> 14s. 10d.	<hr/> 11s. 9d.

and the total earnings are as follows:—

Ages.	England.	Scotland.	Ireland.	United Kingdom.
	£	£	£	£
Males, 20 to 60...	217,300,000	2,900,000	43,500,000	289,800,000
" under 20 ...	15,900,000	2,400,000	4,000,000	22,300,000
Females, 20 to 60	59,500,000	8,950,000	13,000,000	81,450,000
" under 20 ...	18,800,000	2,350,000	3,600,000	24,750,000
	<hr/> 311,500,000	<hr/> 42,700,000	<hr/> 64,100,000	<hr/> 418,300,000

total annual earning of 418,000,000*l.* by one class of the community is very large, and is considerably greater than the estimate made by Mr. Gladstone, who placed the amount at nearer 250,000,000*l.* and 20,000,000*l.*, and still greater than the estimate I have made myself in a paper read before the Statistical Society, 'On the Distri-

bution and Productiveness of Taxes,' founded, however, principally the census of 1851 (2), previous to the great advance in wages (and exclusive of the entire number in the receipt of parochial relief). In this calculation, moreover, the wages of domestic servants, soldiers, police, &c., are included with the money value of food, &c. The distribution of the total earnings, according to industries, has been found to be as follows:—

	England. £	Scotland. £	Ireland. £	United Kingdom £
Agriculture .....	44,000,000	8,000,000	23,000,000	75,000,000
Textile fabrics .....	33,000,000	6,000,000	8,000,000	47,000,000
Metal manufacture, including blacksmiths...	27,000,000	2,000,000	1,500,000	31,500,000
Building trades.....	35,000,000	4,000,000	3,500,000	42,500,000
Shipping, railway, &c....	25,000,000	1,500,000	1,200,000	27,700,000
Articles of dress .....	21,000,000	5,000,000	7,000,000	33,000,000
Mining .....	13,000,000	2,000,000	—	15,000,000
Domestic service, &c. ...	47,000,000	5,000,000	8,000,000	60,000,000
Labourers (indefinite)...	17,000,000	2,000,000	7,000,000	26,000,000
Others .....	49,500,000	6,200,000	4,900,000	60,600,000
	311,500,000	42,700,000	64,100,000	418,300,000

From these estimates it appears that the average income of a workman is in England, 22s. 6d., in Scotland, 20s. 6d., and in Ireland, 14s. 4d. Frequently, however, there are more workers than one in a family. In a family of five, generally two or even three persons are earning something. Assuming, then, that there are two earners in each family, and taking the average wages of men, women, and children as a basis, the average income per family may be estimated at 32s. 4d. in England, 29s. 6d. in Scotland, and 23s. 6d. in Ireland. These are the general results I come to. At best, it is an estimate, but it is carefully calculated, and will be found as near the truth as the nature of such an inquiry admits of. I should add to the earnings by wages the income of the working classes from savings banks, a considerable portion of the 38,400,000*l.* deposited belonging to them, from friendly societies, building societies, freehold houses and gardens, co-operative societies, benefit clubs, sick and burial clubs, &c. But of these we have only imperfect accounts, though, on the whole, the amount will be found considerable."

**A Peace Movement in France.**—A correspondent of the *Morning Star* gives the following account of a new movement in France. Amongst the distinguished political economists of France M. Edmond Potonié:—"Bearing in mind the success which attended our own League against the Corn Laws, M. Potonié has long sought to establish upon the Continent a like organisation for the promotion of the public good, and his efforts have been especially directed towards those countries whose political weight and influence make their voice, whether for good or for evil, all-powerful among nations. This 'Ligue du Bien Public' has at length been formed at Antwerp and in the French capital, and it holds its meetings under the presidency of M. Vincard, 37, Rue Serpente, Paris, to whom all communication from

those wishing to take part in the movement ought to be addressed. M. Potonié strongly urges the formation of branch committees of the League in all the great towns of England and the Continent. In addition to this, the present time seems opportune to the committee of the League for holding in Brussels a Congress of the Friends of Peace to protest against the system of permanent armies, which has been and still is the cause of so much misery throughout the world. It was first proposed that the Congress should meet in 1867, but after long deliberation the committee finally resolved on holding it during the present year. Deputies from committees formed in France, Spain, Holland, Belgium, and Switzerland will attend, and one of the first questions discussed will be that of the formation of an International Tribunal, consisting of representatives of the leading states, for the pacific settlement of the various questions that from time to time arise among European Powers. In view of recent events on the Continent, it may seem too much to hope that the decisions of such a tribunal would be respected, yet it must not be forgotten that the strongest Continental Power has already given its assent to the principle of a Congress, and that however feeble might be the first efforts of a tribunal so constituted, its power would necessarily increase with the number of its members, and a nucleus once formed of a few earnest men would gradually attract towards itself all the friends of peace and progress in Europe. In the *Correspondance Cosmopolite*, a journal published in support of the objects of the League, will be found letters from some of the most eminent men of the time, in which the main characteristics of the writers may be easily traced. Cobden has 'read with great interest the article on "The Costs of War," and thinks we ought to continue our efforts in the path of duty, and leave the result to the blessing of Heaven.' Garibaldi thinks that 'the enterprise is heroic, and that the difficulties which surround it but add to the duties of all the friends of the brotherhood of nations.' Victor Hugo says that the cause has all his sympathies; and Jules Simon, Pelletan, Gatier, and Schulze-Delitsch write eloquently in support of it. It is earnestly hoped that this country may be well represented in Brussels. Full particulars of the meeting of the Congress will shortly be made public; in the mean time, all information may be obtained on application to M. Jules Vincard, as above; or to M. Edmond Potonié, 38, Rue Folie Méricourt, Paris."

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## PROCEEDINGS OF SOCIETIES.

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### NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The Tenth Annual Meeting will be held in Manchester, from Wednesday, the 3rd, to Wednesday, the 10th October, 1866.

*Local Offices*—2, Essex Chambers, Essex-street, Manchester.

*Reception Room*—Assize Courts, Manchester.

The following is the Order of Proceedings and Regulations for the Meeting:—

#### I. ORDER OF PROCEEDINGS.

*Wednesday, Oct. 3rd.*—12.30 p.m. Council Meeting in the Barristers Library, Assize Courts.—3.30 p.m. Special Service in the Cathedral Sermon by the Rev. Canon Richson.—7.30 p.m. Inaugural Address by the Earl of Shaftesbury, in the Free Trade Hall.

*Thursday, Oct. 4th.*—10 a.m. Address of Lord Brougham, President of the Council, in the Civil Court.—11 a.m. The Departments will meet in their respective Rooms, for Discussion of their First Special Questions.—8 p.m. Soirée in the Assize Courts.—8.30 p.m. Address from Dudley Field, Esq., in the Civil Court, on the "New York Code."

*Friday, Oct. 5th.*—10 a.m. Address of the Hon. George Denman Q.C., M.P., in the Civil Court.—11 a.m. The Departments will meet in their respective Rooms for the Discussion of their Second Special Questions.—4 p.m. Meeting in the Department for Social Economy and Trade (*Dep. B.*), for the Promotion of the Employment of Women.—8 p.m. Working Men's Meeting, in the Free Trade Hall. The Earl of Shaftesbury in the chair. Addresses will be delivered by Lord Brougham, &c.

*Saturday, Oct. 6th.*—10 a.m. Address by the Right Honourable Austin Bruce, M.P., in the Civil Court.—11 a.m. The Departments will meet in their respective Rooms, to discuss Papers.—Excursion to Sabden Bridge, near Whalley, on occasion of the Opening of a new Co-operative Cotton Mill.—Musical Promenade in the Botanical Gardens (weather permitting).—8 p.m. Manchester Free Library Opening of a new Branch Lending Library, Rusholme Road. A limited number of tickets will be issued, according to priority of written application. Apply to the local Secretaries.

*Monday, Oct. 8th.*—10 a.m. Address of William Farr, Esq., M.D., F.R.S., in the Civil Court.—11 a.m. The Departments will meet for the Discussion of Special Questions No. 3.—8 p.m. Soirée in the Assize Courts.—8.30 p.m. Conversational Meeting of Masters and Matrons of Reformatory and Industrial Schools, in the Criminal Court.

*Tuesday, Oct. 9th.*—10 a.m. Address of Sir James Kay Shuttleworth, Bart., in the Civil Court.—11 a.m. The Departments will meet in their respective Rooms, to discuss Papers.—7 p.m. A Public Dinner will take place in the Large Hall of the Assize Courts. Tickets—Gentlemen, 1s., Ladies, 10s. 6d.—may be obtained at the Reception Rooms, or from the Secretaries.

*Wednesday, Oct. 10th.*—10 a.m. Meeting of Council in the Barristers' Library.—1 p.m. Concluding Meeting of Members and Associates in the Civil Court.—Excursion to visit the Co-operative Establishment in Rochdale.

## II. REGULATIONS OF THE MEETING.

### SUBSCRIPTIONS AND MEMBERSHIP.

*Members.*—Any person, lady or gentleman, becomes a member of the Association by subscribing one guinea annually, or ten guineas as a life payment. Members paying one guinea annually are entitled to attend the Annual Meeting of the Association, and to receive a copy of its *Transactions*. Members paying two guineas annually, or twenty guineas as a life payment, have the additional privileges of attending the Meetings of the Association in London, and receiving the publications connected therewith, with the use of the Library and Reading Room.

*Associates.*—Any person, lady or gentleman, who pays ten shillings to the funds of the Association is an Associate for the Annual Meeting for which such payment is made, but is not entitled to the *Transactions*.

Ladies' transferable tickets are also issued at fifteen shillings each. Societies, Town Councils, Chambers of Commerce, and other Public Bodies may become Corporate Members on payment of two guineas, and are entitled to send three delegates to the Meetings, and to receive a volume of the *Transactions* for the year.

A Register of Lodgings is prepared. Applications to be addressed to Mr. J. Duffield, Secretary to the Committee.

Members and Associates are requested to enter their names and permanent address, as well as their temporary addresses during the meeting, in the book prepared for that purpose in the reception-room.

A Post Office and Telegraph Office will be open at the Assize Courts during the period of the Meeting. Letters to be directed to the Assize Courts, Manchester.

I beg to enclose a Railway voucher, and am your obedient Servants,

*Local Secretaries*—J. W. Maclure, H. Philips, S. Alfred Steinthal.

*Secretary to the Local Committee*—J. Duffield.

2, Essex-chambers, Manchester, September 13th.

### LIST OF OFFICERS.

*President*—The Earl of SHAFTESBURY, K.G.

*Vice-presidents*—The Mayor of Manchester, the High Sheriff of Lancashire, the Lord Bishop of Manchester, the Marquis of Hartington, M.P., the Hon. A. Egerton, M.P., the Right Hon. W. E. Gladstone, M.P., Colonel J. Wilson Patten, M.P., Charles Turner, Esq., M.P., Thomas Bazley, Esq., M.P., E. James, Esq., M.P., J. Beetham, Esq., M.P., the Very Rev. the Dean of Manchester, the Mayor of Salford, W. Fairbairn, Esq., LL.D., F.R.S.

*General Secretary*—George W. Hastings, Esq.

*Treasurers*—W. Strickland Cookson, Esq., William Hawes, Esq.

*Foreign Secretary*—John Westlake, Esq.

*Local Treasurer*—Oliver Heywood, Esq.

*Secretary*—Rev. Walter L. Clay, M.A.

*Local Secretaries*—J. W. Maclure, Esq., Herbert Philips, Esq., the Rev. S. A. Steinhilber.

### OBJECTS OF THE ASSOCIATION.

The Association is established to aid the development of Social Science, to spread a knowledge of the Principles of Jurisprudence, and to guide the public mind to the best practical means of promoting the Advancement of Education, the Prevention and Repression of Crime, the Reformation of Criminals, the Adoption of Sanitary Regulation and the diffusion of sound principles on all questions of Political and Social Economy. The Association aims to bring together the various Societies and individuals who are engaged or interested in furthering these objects; and, without trenching upon independent exertion, seeks to elicit by discussion the real elements of truth, to clear doubts, to harmonise discordant opinions, and to afford a common ground for the interchange of trustworthy information on the great social problems of the day.

### DEPARTMENTS.

#### I.—JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

In this Department are discussed the Science of Jurisprudence and the Amendment of the Law; including the Principles of Law and Legislation, Comparative Jurisprudence, International Law, Municipal Civil Law, and Criminal Law, together with the Treatment of Criminals.

#### SPECIAL QUESTIONS FOR DISCUSSION.

*Section A.—International Law.*—1. What are the best means of extending and securing an International Law of Copyright? 2. What is the duty of the Mother Country as regards the protection of Inferior Races in her Colonies and Dependencies? 3. How may the Extradition of Criminals be best secured, consistently with the right of Asylum?

*Section B.—Municipal Law.*—1. On what principle should a Bazaar Law be founded? 2. What would be the best mode of reducing the Law of England to a compendious form? 3. What conditions or limitations ought to be imposed upon the power of disposing in perpetuity of Property, real or personal, for Charitable or other Public Purposes?

*Section C.—Repression of Crime.*—1. Is it desirable to carry out Life Sentences to the utmost? and if so, in what Cases, and under what Form of Discipline? 2. What are the best means of preventing Infanticide? 3. In what other Public Institutions besides Prisons is it expedient that Coroners should be required to hold Inquests in all cases of death?

The following is also suggested as a suitable subject for Voluntary



Papers:—Why has the Industrial Schools Act proved a comparative failure?

*Secretaries*—A. O. Charles, Esq., John Scott, Esq., Arthur J. Williams, Esq.

*Local Secretaries*—Alfred Aspland, Esq., H. C. Oates, Esq., S. Unwin, Esq.

## II.—EDUCATION.

This Department deals with the various questions relating to Education, whether of the Upper, Middle, or Lower Classes of Society.

### SPECIAL QUESTIONS FOR DISCUSSION.

1. By what means can the impediments to the Education of the Children of the Manual Labour Class, arising from the apathy or poverty of parents and the claims of the market for labour, be most effectually removed? 2. What Central and Local Bodies are best qualified to take charge of and administer existing Endowments for Education, and what powers and facilities should be given to such Bodies? 3. By what means can Education be most effectually extended to the smaller Rural Parishes, and the most Destitute Classes in large towns?

The following are also suggested as suitable subjects for Voluntary Papers:—1. The Religious Difficulty. 2. The Manchester and Salford Local Education Bill.

*Secretaries*—Rev. W. L. Clay, M.A., Rev. Nash Stevenson, M.A.,  
Rev. Brooke Lambert, M.A.

*Local Secretaries*—J. A. Bremner, Esq., Rev. W. J. Kennedy, M.A.,  
G. Richardson, Esq.

## III.—HEALTH.

This department considers the various questions relating to the public health; it will collect statistical evidence of the relative healthiness of different localities, of different industrial occupations, and generally of the influence of external circumstances in the production of health or disease; it will discuss improvements in house construction (more especially as to the dwellings of the labouring classes), in drainage, warming, ventilation; public baths and washhouses; adulteration of food, and its effects; recreation and amusement; the functions of Government in relation to public health; the legislative and administrative machinery expedient for its preservation; sanitary police, quarantine, &c.; poverty in relation to disease; and the effects of unhealthiness on the property of places and nations.

### SPECIAL QUESTIONS FOR DISCUSSION.

1. How far are smoke and the products of combustion arising from various manufacturing processes injurious to health? What measures ought to be taken to prevent the contamination of the atmosphere from such causes? 2. How can the pollution of rivers, by the refuse and sewage of towns, be best prevented? 3. What legislative or other measures should be employed more effectually to prevent the adulteration of food? The following are also suggested as suitable subjects for voluntary papers:—1. The means to be adopted for the protection of seaport towns against the introduction and spread of cholera. 2. The

causes of the high rate of mortality in certain large towns. 3. Mortuar houses.

*Secretaries*—William Hardwicke, Esq., M.D., William Rendle, Esq.

*Local Secretaries*—J. E. Morgan, Esq., M.D., A. Ransome, Esq.

#### IV.—ECONOMY AND TRADE.

In this department are considered the various questions relating to economics, social, political, and commercial. The department also collects information relating to production, manufacture, and trade.

##### SPECIAL QUESTIONS FOR DISCUSSION.

*Section A.*—1. Upon what conditions and by what authorities ought licenses for the sale of alcoholic liquors to be granted? 2. What measures, legislative and other, should be adopted in order to supply better dwellings to the labouring classes? 3. What means ought to be adopted for improving the management of workhouses?

*Section B.*—1. Does the Bank Charter Act need modification? 2. Is it expedient to adopt means for reducing the national debt, and if so, what means? 3. What improvements might be introduced into our existing system of taxation? The following are also suggested as suitable subjects for voluntary papers:—1. Co-operation and the future of labour. 2. Benefit building societies. 3. The credit system.

*Secretaries*—A. Edgar, Esq., R. M. Pankhurst, Esq., LL.D.

*Local Secretaries*—T. Browning, Esq., H. Fleming, Esq., J. Watts, Esq., Ph.D.

In each department, and section of a department, two days will be reserved for voluntary papers.

##### REGULATIONS CONCERNING PAPERS AND DISCUSSIONS.

*The Special Questions*, stated in the former part of this programme have been drawn up by the committees of the departments, and will occupy each department during the first three days of the meeting.

No department or section will take up more than one such question on any day.

The committees will obtain reports or papers to open the discussion of these questions, but any member or associate may contribute paper on them, subject to the following conditions:—

(a.) The paper must not occupy more than twenty minutes in reading.

(b.) Not more than one-half of the day will, under any circumstances, be given up to the reading of papers; the choice of papers for reading rests solely with the committee of the department, though the papers not read may be published in the *Transactions* if the council think fit.

The reports of the standing committees will embody information and suggestions sent to the secretaries by individual members.

*General Rules.*—No paper already published can be read.

No paper, when read, can be published by the author (unless by permission of the council) previous to the publication of the *Transactions* of the Association for 1866.

The council may print any paper, either in whole or in part, or may exclude it from the *Transactions*, as they see fit.

Every paper must be sent to the Secretary, on or before the 15th of September. On the first page of every paper should be written the question or subject, the name of the Author, and his address.

We may add that all the special questions have now been undertaken by men well competent to deal with them; and we are able to give the chief names in anticipation of the programme which will shortly be issued. Taking the questions in the order in which they stood in the prospectus, the bill of fare is as follows:—*International Copyright*—Anthony Trollope and Ernest Gambart. *The Protection of the Inferior Races in our Colonies*—C. S. Roundell (Secretary to the Jamaica Commission), John Goorir, and R. N. Fowler. *Extradition Treaties*—P. H. Rathbone. *Bankruptcy Law*—Robert Wilson, William Howes, and G. B. Kidd. *Digest of Case Law*—Dr. Waddilove, Dr. Pankhurst, with G. W. Hastings to open the discussion. *Charitable Bequests*—Thomas Hare, P. W. Bunting, and W. M. Fawcett. *Life Sentences*—M. D. Hill, with Sir Walter Crofton to open the discussion. *Infanticide*—Dr. Lankester, the Harveian Society, and A. H. Safford. *The Propriety of Extending the Law of Inquests*—J. J. Pope and H. Cartwright. *The Education of the Manual Labour Class*—The Manchester Education Aid Society and U. Shuttleworth. *The Governing Bodies of Educational Endowments*—Sir James Kay Shuttleworth. *The Education of the Destitute Classes, and of small Rural Parishes*—Rev. W. J. Kennedy and Mary Carpenter. *The Smoke Nuisance*—Dr. Angus Smith. *The Pollution of Rivers*—Dr. Stevenson Macadam and John Newton, C.E. *The Adulteration of Food*—Dr. Hill, of Birmingham. *The Licensing System*—the Committee of the United Kingdom Alliance, S. Pope, Rev. R. Jones, &c. *Improved Dwellings for the Labouring Classes*—William Hawes, Thomas Worthington, and T. Beggs. *Workhouse Management*—S. V. North. *The Bank Charter Act*—James Aytoun, Edwin Hill, &c. *The National Debt*—F. Hill. *Improvements in Taxation*—John Noble and G. H. Smith.

Besides the special questions, several very important papers will be submitted on other subjects; for example:—Sir Walter Crofton, "On provision for Discharged Convicts." Pope Hennessey, "On the Treatment of Political Prisoners." Rev. W. J. Kennedy, "On the Conscience Clause." Rev. W. Nassau Molesworth, "On the Half-time system." Dr. Steward and Edward Jenkins, "On the Laws relating to Health." Dr. Morgan, A. Ransome, and W. Royston, "On the Health of Manchester and Salford during the last fifteen years." Henry Ashworth, "On the Progress of Lancashire." R. Arthur Arnold, "On the Future of Labour," and "On the Economy of Public Works." Archibald Briggs and the Messrs. Greening, "On the New system of Co-operation." Captain Toynbee, "On the Condition of Ireland." Elie Reclus, "On French Co-operative Societies." James Nes, "On the Causes of the late Panic." E. W. Cox, "On Liberty at Elections," &c. &c.



There will be an excursion on Saturday to take part in the opening of a new co-operative mill at Sabden Bridge, near Whalley; Earl de Grey is expected to preside at a soirée which is to be given. On the following Wednesday there is to be another excursion to visit the co-operative establishment at Rochdale. All the sights at Manchester will be open free during the Congress—among others, the annual picture exhibition of the Royal Institution. The closing banquet, at which four hundred guests are expected to be present, will be held in the central hall of the Assize Courts.

#### METROPOLITAN SANITARY ASSOCIATION.

We are glad to be able to give the following account of the speeches delivered at a meeting of this Association, on Wednesday, the 12th of September. The late epidemic of cholera shows how much we need the exertions of a body like this Association, and we should have been glad to have recorded more active proceedings on their part. The Committee ought not to be satisfied with calling meetings together such as the one we now speak of: it is for them to raise the feeling of London, to show the public of that great metropolis how shamefully they have neglected the interests of their fellow-creatures. Why should not the public be summoned to Exeter Hall to hear of the sufferings of their fellow-creatures in London? This Association should organise lectures, publish tracts, have committees of earnest men and women in every district of the metropolis. It is no use to call private meetings in the Strand, and make speeches which will scarcely be heard beyond the walls of the building in which they are made. We earnestly implore the members of this Association to be up and doing. Cholera is not killed, it is only scotched, and if cholera go, has it not left typhus, small-pox, and a host of removable diseases for them to work at? We take the following report from our able and earnest contemporary, the *Builder*:—

The Bishop of London, on taking the chair, said,—About a year has elapsed since we met in this room to suggest what could be done in the event of a visitation of cholera taking place. That visitation has come upon us. I do not think we can say it has found us altogether unprepared. Partly from the suggestions which were made here this time last year, and partly from the attention of the public having been otherwise directed to the subject, very considerable improvements have certainly taken place, and I believe we must all allow that London itself has been on the whole better prepared for the visitation on this than on any former occasions. I believe, too, we have reason to think that at the present time the spread of cholera in the metropolis has been considerably checked; but it has no doubt been a great mistake to suppose that because in the month of September there has been a visible improvement in the state of the public health, therefore we are free from any danger of a fresh outbreak of cholera. During the month of September we may be liable to a fresh attack of that disease, and medical men will tell us that it is quite possible the epidemic may break out in other quarters of London not yet infected during the

present time, or at least during the months which yet intervene before the winter season sets in. If, therefore, it were necessary last year that we should be on our guard, and offer suggestions respecting sanitary improvements, it is still more necessary that we should make those suggestions now. I trust some of the many gentlemen present will be able to offer suggestions which will be of use to us for the improvement of the public health, and to guard against any fresh outbreak of the evil. There are a great number of matters to which attention may be most usefully directed, because, although several improvements have undoubtedly been effected, there are still many others which are most desirable. The water supply of London especially is at present in a state which we must all deplore. With such a meeting as the present, it may be possible to throw out suggestions by means of which the water supply can be improved. It would be a great misfortune indeed if these serious visitations should be allowed to pass over without creating some permanent effect on the sanitary improvement of the metropolis. The water supply question is certainly one which we are bound most seriously to consider. Amongst other important matters there is the great question of the dwellings of the poorer classes. I trust that will never be lost sight of until we have worked out a different state of things to that which now exists, which certainly is most miserable compared with our boasted wealth and civilisation. We pride ourselves on the conveniences of life for the upper classes, but it is our duty to endeavour, by every means in our power, to improve the dwellings of the poorer classes. A great deal has been done in this direction by the erection of those large houses, the fruit of Mr. Peabody's munificent gifts, and also by the company over which Mr. Alderman Waterlow presides, as well as by other similar associations. We are most thankful to the Marquis of Westminster for what he is doing for the western part of London, by the erection of large and handsome blocks of buildings for the poor, capable, I am informed, of accommodating 800 families. But all these are a small matter in comparison with the vast population with which we have to deal. Therefore, whether as regards the water supply, improved dwellings for the poor, or with regard to drainage, or the establishment of convalescent hospitals, to which the poor in times of fever and sickness may, on recovery, be removed, I trust we shall, as the result of this visitation, see great improvements taking place in the metropolis.

Dr. Druitt (President of the Association of Medical Officers of Health) said, I venture to speak thus early because it has been through the consultation of myself and a few friends that this meeting has been called. The purport of it is this: it has appeared to us that the public have been coming forward in the most generous manner to relieve persons who have been suffering from cholera; but it must not be forgotten that gifts of this kind are transitory. Examples of other kinds of munificence are exhibited every year. There is not a winter passes by we see letters in the public newspapers setting forth the awful destitution of the poor of London; but however much money pours in, the effect passes off like water from sand. I live in one of the richer



parishes, in which enormous sums are given to the working classes; but it is the conviction of the clergy and others that the effect of this charity is rather bad than good; that it tends to destroy independence and take away those virtues on which the health of the people depends. It has appeared to us that at the present juncture, when the heart and pockets of the public are open to works of benevolence, that some effort should be made for effecting good of a more permanent character. The Medical Association, which I have the honour to represent, at a meeting held yesterday, drew up some resolutions on this subject, the gist of which I will now lay before you, as indicating the opinions they have formed:—

“That it is highly desirable that the benevolent part of the public who have contributed so generously towards the relief of the sufferers from cholera in London, should be invited to continue their efforts as to promote a permanent improvement of that bad social, moral, and sanitary state of which cholera is but an evidence. That the clergy, district visitors, and other persons interested in the poor of every district, be invited to form themselves into sanitary or vigilance committees, to give the earliest notice to the local authorities and office of health of all breaches of the sanitary laws, and to support their efforts to carry out those laws to the fullest possible extent.

“That even when every existing law has been put in force, there remains a large class of sanitary evils, partly through the unavoidable insufficiency of those laws, but chiefly through the idleness, carelessness, and ignorance of the poor.

“That the charitable public be invited to attempt rather the removal of those evils which arise from insufficiency of law, and the bad moral status of the poor, than to mere palliation of their effects.

“That, as a temporary expedient, till a constant water supply enforced by law, it would be a worthy method of spending charitable funds to obtain daily extra supplies from the water companies.

“That next to a free supply of water, charitable funds would be well employed in erecting baths and laundries, at which cleanliness of person and clothing might be effected at the smallest possible cost.”

At present we have a new sanitary law in force, and no doubt it will be carried into effect more vigilantly; so that there is a better chance that the public health may be improved as far as it can be by law; but the law is but a dumb and a blunt instrument unless there is a popular feeling to cause it to be carried into effect. Under another system, if a better class were interested in the sanitary laws, no doubt a better state of things would have obtained; but their absence from vestries and other parochial boards tends, no doubt, to blunt the feelings of those interested in the law, and it is very much like pushing a dead weight up a hill. But if you enforce every law up to the very edge of the statute, there will remain a large residuum of things which depend upon the ignorance or bad moral status of the poor, or possibly upon the insufficiency of the law itself. First, there is the necessity of an abundant supply of pure water at all times. I need not enter deeply into that, because the feeling is, that pure water, without salt



cost, should be provided in London at the very earliest opportunity; but till a radical change of the law takes place, it is impossible that it can be done. In the mean while, what can the charitable public do? Why not buy water, and give it to the poor? Large districts in the East of London have suffered from cholera; and even if science had not demonstrated that an abundant supply of good water is the best preventive of disease, it would be a good way of spending money to have that supply instead of giving port wine and soups to the people who have suffered from the disease. If a person wishes to do a charitable act, let him erect stand-pipes, and let that be done in every part of London, so that, on Saturdays and Sundays especially, the poor people may be able, by sending a little way, to have such a supply of water as is pure and decent, and fit for drinking and cooking. I cannot conceive a way of spending money better than giving plenty of pure water. The next point is personal cleanliness, which is not only a material aid to health, but also to virtue. A dirty man cannot be a good man. Let us consider for a moment how is it possible for a man or woman to wash in a room which serves as kitchen, parlour, and bedroom, and surrounded by half a dozen sons and daughters of all ages. We must not blame the poor for lack of virtues which they cannot exercise. Another point which I have the authority I represent to press upon this meeting is, to erect, not splendid and costly buildings, but baths and washhouses of moderate pretensions—even of a humble character; wooden buildings, if you please—in the most populous districts of the East of London. With these recommendations the only I represent stop. Other matters may be matters of private opinion; but there is one point I would allude to incidentally. How can a mother in the districts most affected with cholera procure a supply of pure milk? The Registrar-General tells us how many young children die of choleraic diarrhoea. The process of disease is as simple as possible. Any woman who wishes to get rid of her children but to feed it in the most humane manner on the milk she buys at the shops. Delicate children fed upon such food will die. There is no milk which I could buy in that district which I could give to a child of my own without trembling for the result. This prompts the inquiry, can no means be provided for affording a supply of pure milk to the poor in London? I could specify other matters, but here I will stop; and will conclude by proposing the following resolution:—

That the supply of pure water, of baths, and other means of cleanliness, and possibly of pure milk, at reasonable prices, are worthy channels for expenditure of charitable funds under the present emergency."

Mr. Liddle (medical officer of Whitechapel district) seconded the resolution. The inhabitants of the West-end had come forward most ready, and sent large sums of money, which were usefully expended in the treatment of sufferers from this malady. This, he said, was the fourth visitation of cholera which he had witnessed—viz. 1831, 1844, 1848, and the present one. He was sorry to say that the marks which the preceding epidemics had left had not, to his mind, been very

visible: they had passed away. An excitement prevailed at the time persons subscribed money liberally, but nothing of a permanent character had been carried out. The principal advantage had been that some improvement had taken place in the water companies of the south of London; but they had been left by the Legislature without laws which were of a practicable nature. They had hurried through Acts of Parliament without their being submitted to practical men to know how they were likely to operate. He did not know how the present Public Health Act would operate, but it would test the powers of the various vestries and district boards. He had personally a great objection to the powers having been made permissive where he thought they should have been made compulsory; but, at the same time, as he had had the opportunity of telling the board in his own district, the local boards would now be put on their trial to show their fitness for local self-government. If they put in force the powers with which they were now invested, he had no doubt the scheme for the metropolis would work better than centralisation; but they must prove their fitness to carry out the powers entrusted to them. One of the most important things omitted by the Legislature was the non-providing of a proper Building Act, whereby those nuisances of which they now complained with regard to houses being unfit for habitation after they were built, might have been remedied. The munificent gift of Mr. Peabody and the efforts of societies had done a vast amount of good in erecting better habitations for the poor; but of what avail would that be while the landlords could avail themselves of every suitable spot of ground for the putting up of houses? True, they had power, after a house was erected, if the medical officer thought it unsuitable for habitation, to prevent its being occupied. How much better would it be if the plans as to sanitary arrangements were submitted to the local board before the houses were built? Plans with regard to drainage were submitted, but with regard to other sanitary arrangements the local boards had no power whatever. He had been in communication with gentlemen on this point, and he found that the Building Act would not prevent these unsuitable buildings being erected. The first thing they ought to do was to call on the Legislature to pass an improved Building Act, which should provide that houses should not be built unless the plans were submitted to and approved by the board in the locality the houses were to be erected, not only in regard to drainage, but all other sanitary arrangements. The next thing was the water supply. He would state as a matter of fact that it was practicable to erect stand-pipes. The Jews, to their credit, had erected thirty stand-pipes in Whitechapel, from which water was obtained night and day, the water company having given the water free of any extra charge. There were other means of supplying the poor with water in Whitechapel. Upwards of twenty of the courts were supplied with water from the mains, and the water-butts had been done away with, and the people had an unlimited supply of water on every day of the week. He thought much good might be done by the purchase of some of the old and unsuitable buildings in the various districts. He would like to see at



undertaken by a voluntary association to raze those wretched habitations to the ground. The local boards ought to have the power, where houses were structurally deficient, to put a veto upon their being occupied. The first thing to be done was to prevent them being erected; and having done that, deal with the nuisances which exist in any unhealthy locality. They were now paying the penalty for their Legislature. These things ought to have been provided for long ago. We were suffering from our own neglect in not urging these points more strongly upon the Legislature. The only means of dealing with the case was to destroy the unhealthy and unsuitable buildings, and by degrees better habitations would be sure to be built on the same spot.

I. Aldis remarked that much had been said about the water supply. If he might be allowed to express an opinion, nothing satisfactory would be done till they had a constant supply of water. In his own district of Belgravia they had a good supply of water, the service being twice a day; but the mode of supply was objectionable. A great number of tanks were provided with overflow pipes communicating with the closets, which was inconceivably dangerous; and if that state of things were continued, he should not be surprised at an outbreak of cholera. The system was not only bad in itself, but illegal. The water companies could fine the parties for waste by overflow; but it was not done. There was one class of people he had particularly noticed. They heard of people who died of cholera on board of vessels in the river. He was summoned to one of those cases in his own district, which was taken to St. George's Hospital, and terminated fatally. He afterwards went on board the vessel, which was one of the class called Billy-boys, used for bringing stone and other articles from the Goo. On going into the fore-castle, where the man slept, it gave him the idea of a veritable black hole, heated to an unbearable degree by a stove used for cooking, and altogether without any means of ventilation. There was another man ill in the place at the time.

D. O'Brien (Chelsea) said he believed it was a well-ascertained fact that cholera prevailed most where the water was worst, and he believed when water was kept in close chambers fungoid matter was formed in it, which varied according to the sources from which they arose. Such water was unfit for human drink; but there was a great distinction between the spores in different epidemics, which would be detected by the microscope. Even distilled water exposed to air charged with molarles generated fungi. The same rule held good with regard to dysentery, typhus, and similar disorders.

M. Rendle (St. George's, Southwark) said he thought the time was not yet passed for anything like makeshift arguments in connexion with the disease, which was now affecting us, and which he believed to be in a great measure preventable. He had been actively engaged in the cholera from the first time of its visitation. On the south side of the Thames, he was happy to say, there had not been so many cases as before. He thought it highly desirable that a large number of stand-pipes should be put up; though he agreed it was pushing off the day



when they wanted an absolute change—such a change one might revolutionary in the arrangements necessary for the well-being of lowest classes of the people of this country. When he looked at the Books of the Government, and found that in the country it was no thing for people to be driven from their work to other places miles a to save the poor-rates; that grown-up women were living with grown brothers, and whole families occupying one room in common; and not a matter which occurred here and there, but was very wide-spread—when he had witnessed this state of things in his own parish; that was too often the case among thousands who were acquainted with the lowest circumstances of human condition in his parish, he was forced to the conclusion that, under such circumstances, it was impossible for a people to be Christian, or moral, or healthy. He contended it was a waste of time to talk of doing a little by way of charity and benevolence, although that benevolence might amount to thousands of millions subscribed by good and generous people, yet no permanent good could follow from it; and when he saw all this charity, there was comparatively little difference between the charity of this time and the charity of his first recollection; so also was it equally destitute of permanent benefit. When he first came to London, the population was not more than about 900,000. There were not so many poor people nor so much misery as there was now; but at the present time there were millions of human beings crowded upon a small space. He thought the time was come when they must not deal with a house here and there; but they wanted some great alteration emanating from the central councils of the nation, so that they might have laws which would work, and people who would take care to work them. It should be obligatory if they had circumstances in which 10,000 persons could not be moral, healthy, or virtuous, that some radical change should be made which no palliative measures could effect; and he confessed he felt grieved when he heard the kind of discussion that took place on the Labourers' Dwellings Bill in the House of Commons. He felt grieved with the expressions that were uttered there by representatives of Christian communities. If they had gone with him and seen how people were huddled together, and how disease and vice must grow, they could not have failed to come to the conclusion that a change amounting to a revolution in such matters was absolutely called for and did not admit of delay. It was dangerous to go on as they had done hitherto. The inspecting officers went round from court to court. Fever was there; the water was bad; the water-butts were foul and the water-closets abominations. The poor thus situated knew that this was wrong, and they got to know that the law would help them if it were put in force by those above them. Visit those courts another year: fever again cleared out its inhabitants; and, people finding the law was on their side, began to feel discontented, as well they might be; and that discontent would spread, and it would ultimately be found that the large mass of 10,000 in his own parish, multiplied by hundreds of thousands throughout the metropolis, would be a very unsafe community in the event of a disagreement between the

society. He was no alarmist; but he could not go into the courts and alleys of the metropolis, and see the condition of those whom, by the law of Christianity, they were bound to regard, without feeling that they were exposing themselves to a great social danger. The remedy, he believed, was true and earnest legislation.

Dr. Godwin expressed a strong hope that Dr. Druitt would withdraw his resolution as one which was wholly inadequate to the present emergency. There were sufficient differences of opinion among the wide public which were wide enough, and led to enough discussion, without wasting the time of the meeting in debating the expediency of such a resolution as that before them. To talk now about looking for benevolent funds for a supply of water to the metropolis was little more than nonsense. They ought to call loudly and at once for such arrangements for the supply of pure water as would give it cheaply to all, and render the expression of benevolence on this question unnecessary. The want of precise knowledge in respect of sanitary matters, of cholera, and many other things, was something surprising; one physician, for example, recommended a system of treatment that another, equally eminent, said was "death." He hoped a proposition which he understood was to be made would be strongly enforced upon the meeting, viz. for the appointment of a Government commission to make inquiries, and which would lay before the public facts that could not be denied or got away from, and urge measures that could not be neglected. He would rather have such a proposition as that before them than to agree upon a resolution for an insufficient measure, which he believed would be negatived by nineteen out of every twenty persons present. ("No, no!" "Yes!") Until public opinion was formed—till knowledge on sanitary subjects was more general—what improvement could they expect? What must they look for, when in the present day they hear from a town near Leeds the pretensions of a person to become a member of the local Board grounded on such reasons as these:—That he would oppose all schemes for levying rates for the supply of water; every measure to obtain public sewerage or the paving of the streets; every measure of that sort, in fact, without exception, on the principle that all such things were a wasteful expenditure of the ratepayers' money? When they saw a placard like that; when they found doctors themselves expressing opinions contrary to one another and to all that had been proved by experiment for many years ("No, no!" "Yes!");—when they had educated men saying that bad drainage did not produce disease. ("No, no!") He repeated it. He had in his pocket a letter from a ratepayer in Sheffield stating that assertions made at the late meetings of the British Association had entirely paralysed the efforts of those among the people of Sheffield who desired to obtain proper drainage. Those present must have read on the previous day of an accident in a tank in Ireland, where four men descended one after another to clear away decomposing matter, and each one fell dead as he breathed the bad air; and yet they still found men doubting if the emanations from sewers produced disease. He mentioned this to show the difference of opinion, not to say ignorance, in respect to sanitary



matters that existed, and also upon the question immediately under consideration, as also even upon the cure of diseases arising from neglect of sanitary matters. He trusted that Dr. Druitt would at last withdraw his motion, to save time.

Sir Mordaunt Wells did not wish to use expressions that would do the slightest offence. He said, as intelligent men, who had devoted a great deal of time and attention to the consideration of this question, it was a reflection upon them to entertain so absurd a resolution as the one now before them. Such a resolution as this was not calculated to deal with the great evil which existed at the present moment. He spoke in the presence of gentlemen who had been working for the last six weeks, day and night, in the cholera-smitten districts of London, and who had by that means acquainted themselves with the real state of things; and he knew from what he had been told by them, as well as from his own personal experience, that the sanitary condition of the poor was most dangerous. He had seen such men as the Rev. Mr. Pattison visiting in the various districts, and he would bear him witness that the great evil they had to contend with was the miserable condition of the poor in the eastern districts of London. Instead of passing a resolution of this kind, it would be their duty to pass a distinct and firm expression of opinion that it is the duty of the Government of this country to institute a searching inquiry into the sanitary condition of the people of this metropolis. It was utterly impossible that things could go on as they now exist. Whether cholera disappeared next month or next, as long as the poor to the extent of hundreds of thousands were living in their present state, disease would crop out again, with the medical profession doing all they could in this great crisis, it was impossible they could deal with such a fearful sanitary condition as the poor were in in the midst of London. It was their duty to lay upon the Government to institute an inquiry into the sanitary condition of the people; and such men as Mr. Pattison and others here present would tell them that the sanitary condition of the poor was so dreadful that they did not know how to deal with the mass of misery existing throughout the districts of the east of London. He invited them not to fritter away this opportunity by providing merely few stand-pipes. They knew that the people were in an absolute state of poverty; they knew that the houses they inhabited were not fit for animals to live in; they knew that great numbers of landlords neglected their duty in not providing proper houses to dwell in. They knew that one great cause in the prevention of improvement in the east of London was the system of short leases. If these leases were done away with, and the property was dealt with as freehold, streets of houses would be built fit for the people to live in. These were questions affecting not the poor only, but the whole of the inhabitants of the metropolis, and they must be pressed upon the Government, who were the responsible parties for the health of the people. He had been at work in these districts for the last six weeks, and he would say the sanitary condition of the people of the metropolis—and he would appeal to the personal knowledge in this matter of the right rev. prelate in the chair.



who had bestowed an amount of individual attention to this subject upon which he would ever reflect with the greatest satisfaction,—the sanitary condition of the metropolis was such as to excite the greatest alarm. Let them not lose the present opportunity of saying to the Government, "Thousands and hundreds of thousands of poor people are now living by the hand of charity;" and when that was withdrawn he dreaded the consequences which he feared must ensue. Let it not be said of them abroad, that while they were living in comfort and luxury in the west of London, masses of the people were existing in the most abject poverty, and that thousands of poor creatures were half starving in dens breeding disease and death. He said the Government must be made to hear this, and then the sanitary condition of the people would be improved.

Dr. Farr (Registrar-General) saw nothing in the motion incompatible with further proposals; but

Dr. Druitt withdrew it.

Mr. Benjamin Shaw said, he was happy in the belief that the resolution he was about to submit would fall in with the temper of the meeting, and he trusted it would more or less embrace the sentiments of every gentleman who had spoken, because it was comprehensive and did not pledge them to any hasty or inconsiderate course of action. The resolution was, in fact, that which had been shadowed forth in the able remarks of previous speakers, viz. "for the appointment of a royal commission to investigate the whole condition of the east end of London." [A voice: "The metropolis generally; it is required as much in the south as in the east."] It would be competent to amend the resolution in its details; he only wished now to lay before the meeting the spirit of it. The resolution, as far as it went, was to inquire into the condition of the eastern part of the metropolis. They could include Southwark if it was thought desirable to do so. No doubt an inquiry embracing the entire metropolis would be wished by this meeting, but they had to consider the chances of that being assented to elsewhere. They had an especial handle which must be felt by every one in regard to the districts in which cholera had prevailed to a very great extent. The public at large and the Government would be prepared to say, "Let us hear a full account of that; let us hear all the grounds of it, and endeavour to prevent such fearful visitations for the future;" but he feared if they went with the request for an inquiry embracing the whole metropolis, the Government might say they were asking for something impracticable. Half a loaf is better than no bread, and if they succeeded as regards the east of London they would not only get a good half, but it would be going a long way towards making the inquiry a general one. If matters were put into a proper state in the east, other parts of the metropolis would not be long behindhand. The advantage of a royal commission was this, they might have a medical inquiry into the water supply. He understood the Government had taken measures for that through Dr. Simpson, but when they found out that the water supplied was deleterious to health, how were they to improve it? They then got

out of the medical field into that of engineering, and they must embrace the two branches in order to set that right. Complaints were made that local authorities were remiss in performing their public duties. He did not hold that opinion quite so strongly as some gentlemen appeared to do, because he knew from personal experience the extraordinary difficulty of enforcing the law in this particular, and regretted to say that hitherto it had been the desire of the public to leave the administration of the law in these matters in the hands of that branch of the community which did not ordinarily embrace the more educated and the most far-sighted members of society, who would be most likely to administer those laws well; and it occurred to his mind whether it would not be well for those gentlemen who most strongly condemned the present administration, or rather non-administration, of the existing law, to take a share personally in the local government of the districts with which they were connected. It was obvious there had been deficiencies in this respect, but he repeated the difficulties were great, and a penny in the pound added to the rates for sanitary measures would be likely to raise a great outcry. This was a question which must come before a royal commission, because they could take up all the threads of the subject, and educe a right clue out of them all.

In conclusion, he moved a resolution calling upon the Government to issue a commission of inquiry, and named a deputation to wait upon the Government to press it upon their attention.

The Rev. G. W. M'Gill, of Christchurch, St. George's in the East, seconded it: he thought the question of poor-rates needed settlement.

Mr. Storr (Strand) proposed an amendment, asserting the paramount necessity for a scheme of improved dwellings for the poor, and the need of remedy for the disgraceful state of overcrowding that exists; but after considerable discussion, Dr. Stewart, amongst others, and Dr. Acland speaking, the amendment was withdrawn, and the original motion, in the terms given in our last, was unanimously adopted.

A conference of gentlemen was held on the 12th ult., at No. 1, Adam-street, Adelphi, at the offices of the Social Science Association, for the purpose of considering the subject of the present epidemic of cholera in its medical, sanitary, and social aspects. The Bishop of London took the chair, and amongst the large number present were Lord Ebury; Dr. Druitt, Medical Officer of St. George, Hanover-square, and President of the Association of Medical Officers of Health; Dr. Farr, F.R.S., the Examiner and Compiler of Abstracts of the Registrar-General's Office; Mr. Chadwick, C.B.; Mr. Fylinson, Dr. Lankester, Professor Acland, Dr. Barclay, Sir Mordant Wells, Rev. G. M'Gill, Dr. Bain, Rev. J. Patteson, Rector of Spilfields; Dr. Hardwicke, Deputy-Coroner and Secretary to the Sanitary Section of the Social Science Association; Dr. Ballard, Dr. Sandercock, Mr. G. Godwin, Dr. Aldis, Dr. Hillier, Mr. Liddle, &c.

The Bishop of London, in opening the business, said it was a rare occasion since they last met, when they considered what was the best thing they could do in the event of a visitation of the cholera. That visitation



had come upon them. He did not think he could say that it had found them altogether unprepared, and that partly from the suggestions which were made at their last meeting, and partly because the attention of the public had been directed to the subject otherwise. Very considerable improvements had certainly been made, and he believed they must allow that London had been better prepared on this occasion than on former ones. This was to be attributed to God's blessing upon the means which had been used, upon the exertions of charitable individuals, as well as upon the efforts of those who have acted in their official capacity. He believed that they had reason to think that at the present time this disease had been considerably checked. But it would, no doubt, be a great mistake to suppose that because in the month of September there had been a visible improvement in the public health, therefore they were free from any danger of a fresh outbreak. He thought that the medical men present would tell them that though it had decreased during this month they might yet be liable to some fresh outbreak before the winter. If it were necessary last year that they should offer suggestions respecting sanitary improvements, it was still more necessary that they should do so now. He trusted that many gentlemen present would be able to offer suggestions which might be of use to them for the improvement of the public health, and to guard against any fresh outbreak of the evil. There were a number of matters to which their attention could be directed, because, although many improvements had been effected, there were still many others which were desirable. The water supply was in a state which they must all deplore. With such a meeting as the present, it might be possible to throw out suggestions by which the water supply could be improved. It would be a very great misfortune if this visitation should pass without some permanent benefit being effected. It had been said that each visitation had left its mark of some improvement of this kind. He trusted that the present one would leave a very deep mark indeed in the way of urging them to adopt improvements of a sanitary nature. The water supply was one thing which they were bound more seriously to consider. Then there was the great question of the dwellings of the poorer classes. He trusted that would never be lost sight of until they had worked out a different state of things to that which now existed, which was miserable when compared with their wealth and civilisation. They prided themselves on the conveniences of life for the upper classes; it was their duty to try and improve the condition of the dwellings of the poorer classes. Another subject was convalescent hospitals, to which the sick poor might be removed. He was there to ask gentlemen who knew more about the matter than he did to express their opinions upon it.

Dr. Druitt, President of the Association of Medical Officers of Health, in speaking on behalf of that body, said they considered it advisable that public liberality should now be employed, not only for the relief of widows and orphans, but for the improvement of the public health. He might be permitted to observe the laws were but blind in-



struments unless the public feeling allowed them to be carried into effect. As yet this had not been the case. The absence from vestries of the better part of the community had blunted the effect of those measures which the Legislature had already passed, and unless the intelligent part of the public would come forward and assist in carrying the new laws into effect, they would be as inoperative as the old ones. Dr. Druitt concluded by moving, seconded by Mr. Liddle, medical officer of the Whitechapel district :—

“That a gratuitous supply of water, the erection of cheap baths and washhouses, the supply of pure milk at a reasonable price, are worthy channels for the expenditure of charitable funds.”

Dr. Aldis agreed that no permanent good could be effected until they had a constant supply of pure water.

Dr. O'Brien having offered a few observations from a medical point of view, Mr. Rendall, of St. George's-in-the-East, alluded to the overcrowding of dwellings.

Mr. George Godwin asked Dr. Druitt to withdraw his resolution. It was impracticable to give a free supply of water to the metropolis. He understood it would be suggested that a Government commission should be appointed for the purpose of inquiring into the sanitary condition of London, and this he hoped would meet with unanimous approval. In alluding to the difference of opinion which was entertained by persons offering themselves for municipal honours, the speaker referred to a placard which was issued by some candidates at Idle, near Leeds, which stated :—“We shall be opposed to all schemes for levying rates for water purposes; we shall also be opposed to any scheme for public sewerage, or to any system of paving!” It was really astonishing the intense ignorance which prevailed respecting sanitary matters. A royal commission would render great service.

Sir Mordaunt Wells pointed out that what they had to consider was the existing state of things resulting from the visitation of cholera. In his opinion they ought to pass a distinct, emphatic, and firm resolution to the effect that it was the duty of the government to institute a most searching inquiry into the sanitary condition of the metropolis and more especially of the eastern districts.

Dr. Farr, F.R.S., regarded any resolution emanating from Dr. Druitt with the greatest respect, representing as he did a body of men who were second to none in their knowledge of the particular subject under consideration. His proposition was by no means incompatible with the recommendation that an appeal should be made to the Government for a royal commission of inquiry, which must be prospective. He advised Dr. Druitt not to withdraw the resolution.

Mr. Benjamin Shaw, Chairman of the Sanitary Committee of Paddington parish, submitted the following resolution, seconded by the Rev. G. H. M'Gill, incumbent of Christ Church, St. George's-in-the-East :—

“That having regard not only to the present epidemic of cholera in the eastern districts of the metropolis, but also to the habitually imperfect sanitary and social condition of many portions of those districts

and the difficulties which exist in the way of raising adequate funds for carrying out remedial measures, and to the necessity which prevails for making this state of things better known to the inhabitants of the more wealthy parishes and to the community generally, this meeting seems it to be its duty to urge upon her Majesty's Government the propriety of issuing a commission to inquire into the sanitary and social condition of the eastern part of the metropolis (including Southwark), with a view of obtaining the best evidence on the subject, and of suggesting such steps as may be most proper for its permanent improvement.

Dr. O'Brien, in offering some suggestions, thought they should form committees in different districts for the purpose of getting the best men to serve on the vestries.

Mr. J. R. Collins, of the St. Pancras Sanitary Committee, spoke in favour of the commission.

Mr. Storr proposed, seconded by Mr. Liddle, the following amendment:—

“That, however necessary, in the present state of the poorer districts of the metropolis, the efforts now being made to palliate the existing evils may be, it is the opinion of this meeting that no permanent remedy will be found until a bold and comprehensive scheme of improved dwellings for the poor is established. The state and the various municipalities having heretofore left the great question of the housing of the humbler classes to the ordinary laws of supply and demand, and many thousands of their dwellings having been pulled down within the last few years for railways and local improvements, the crowded state of the remaining dwellings is such as to be a disgrace to our boasted civilisation, a source of danger to the whole community, and therefore calls urgently for immediate action on the part of the Legislature; and that a deputation from this meeting wait upon the Home Secretary to urge that a royal commission should be appointed to inquire into the unequal rating of the metropolis, the present condition of the dwellings of the poor, the drainage, and the water supply of the metropolis; that a public meeting be called to bring the question prominently forward, and that the Very Reverend the Lord Bishop of London be invited to preside.”

The Rev. W. R. Scott, Wapping, pointed out the necessity of persons suffering from disease being isolated, and thought that, under proper medical supervision, there should be compulsory removal to hospitals in case of epidemics.

Professor Acland suggested, seconded by the Rev. Brooke Lambert, of Stepney, the adoption of the following resolution:—

“That a deputation be appointed to wait upon the Government to press for the appointment of a commission of inquiry into the sanitary condition of the metropolis, and the Bishop of London be and is hereby earnestly requested to head such deputation.”

After a short discussion, Mr. Storr, with the consent of Mr. Liddle, withdrew his amendment, and Mr. Shaw altered his resolution to the effect that they should ask for a royal commission to inquire into the



sanitary condition of the whole of the metropolis. Professor Acland's proposition was added to this as a rider, when it was carried unanimously. A deputation was appointed to wait upon Government, consisting of the following gentlemen: The Lord Bishop of London, chairman, Sir Mordaunt Wells, Mr. Chadwick, C.B., Mr. Godwin, the Rev. Mr. McGill, Mr. Rendle, Mr. Shaw, the Rev. Mr. Patterson, Mr. Liddle, Dr. Druitt, Professor Acland, with power to add to their number.

A cordial vote of thanks, proposed by Mr. Chadwick, to the Bishop of London for presiding, concluded the proceedings.

#### ASSOCIATION OF MEDICAL OFFICERS OF HEALTH.

On Tuesday, September 12, the members of this Association met at the Scottish Corporation Hall, Fleet-street, to confer together as to the best means to be devised for securing permanent sanitary improvements in the metropolis. In a discussion which ensued, and in which Drs. Iliffe, Liddle, Buchanan, Aldis, Letheby, and R. Rawlinson, Esq. C.E., took part, it was stated that the Mansion House fund was as good as thrown away, and that it would be advisable to draw up a series of resolutions, and transmit them to the Metropolitan Sanitary Association, of which the Bishop of London is chairman. The resolutions agreed to were as follows:—

1. "That it is highly desirable that the benevolent portion of the public, who have contributed so generously towards the relief of sufferers from cholera in London, should be invited to continue their efforts so as to promote a permanent improvement of that bad social moral, and sanitary state of which cholera is but an evidence.

2. "That the clergy, district visitors, and other persons interested in the poor of every district, be invited to form themselves into sanitary or vigilance committees, to give the earliest notice to the local authorities and officers of health of all breaches of the sanitary laws, and to support them in their efforts to carry out those laws to the fullest possible extent.

3. "That even when every existing law has been put in force, there remains a large class of sanitary evils, partly through the unavoidable insufficiency of those laws, but chiefly through the idleness, carelessness and ignorance of the poor.

4. "That the charitable public be invited to attempt rather the removal of those evils which arise from insufficiency of law and the bad moral status of the poor than the mere palliation of their effects.

5. "That as a temporary expedient till a constant water supply is enforced by law it would be a worthy method of spending charitable funds to obtain daily extra supplies from the water companies.

6. "That next to a free supply of water charitable funds would be well employed in erecting baths and laundries at which cleanliness of person and clothes might be effected at the smallest possible cost."



## CORRESPONDENCE.

## AN APOLOGY FOR BARE FEET.

*To the Editor of the SPECTATOR.*

TO THE COMMITTEE OF THE LADIES' SANITARY ASSOCIATION.

LADIES,—It was a great happiness to me on my arrival in England, after an absence of five years, to find that the plan of the Park Parties, which I had suggested our beloved President just before my departure, had met with so much success. Its success encourages me to offer some further observations on the subject, in the hope that they may be circulated among the poor, by means of the Schoolmistresses or Bible-women, through your kind influence.

I see in the Report of one School, that "the parents object to their children going on account of their wearing out their shoes." In another, "that many are without shoes, and the stones hurt their feet." "Those who have been (to the Parks) enjoyed the games, and are improved in health."

There is a great difficulty. The Sanitary Association cannot give shoes to all these thousands of children. I say all—for I know by experience that if shoes were given to any of the children in these very poor schools—so great is the expense of shoes to the poor, that all the mothers would immediately want them for their children, and would probably forbid them going to the Parks if they were not given.

It is impossible, I say, for us to give thousands of pairs of shoes; and even if we could, we would far rather spend the money in giving nourishing food, of which the poor children are much more in want, and which we are now making every effort to give them once or twice a week. Now, as we cannot supply the want, and as at the same time it is grievous to think of the poor children being deprived of this their one chance of healthy recreation, would it not be worth while to consider whether this universal want of shoes and stockings in England is a real or conventional want.

We know that the children in the colder climate of Scotland go in many parts without shoes and stockings the whole year, therefore we may fairly presume that English children would not catch cold in the *summer* by doing the same.

It may be objected that walking barefoot over moors and along country roads in Scotland is a very different thing to doing the same in the dust and mud of London streets. It certainly is so; but take the ragged shoes and stockings off the feet of two or three of these poor little children, and you will see that London mud has penetrated through and through the wretched rags meant to keep it out.

Many one will take courage to investigate this matter practically, I think they will come to the same conclusion that I have come to, viz. that it would be far cleaner for the little feet to get as dirty as they might out of doors, and then to be washed when they come in, which the sight of mud and dirt might perhaps induce the mothers to do.

Even, at Brighton, some years ago, I sometimes persuaded some very dirty and sickly children to take a run barefoot in the sea, to strengthen their ankles. When the shoes and stockings were taken off, the sight of the poor little feet, covered with the concentrated dirt of months, probably, was such as to make one at first repent having made the experiment. I am sure no one ever felt disgusted by the little bare brown feet of the Italian peasant children. The smell in a close schoolroom of so many unwashed feet, carefully enclosed in still dirtier stockings and shoes, is very unwholesome. It is well known that bare feet have no smell, any more than hands. We are obliged to speak of such unpleasant things because they are of great importance to the health of the school. As regards the question of economy, how much better it would be for the very poor to keep all they have to spend upon shoes, to give their children good strong shoes in the winter, which would really keep out the wet, instead of having them literally swathed in wet muddy rags, *perfectly wet through*, as I have often seen them; and this was the case with girls of an age when sitting with wet feet ought especially to be avoided.

It could have been better, *even in winter*, for the girls I have been speaking of to have been without shoes at all, as the momentary cold of passing through damp streets would in the case of bare feet, be replaced by the healthy glow we feel after plunging

our feet in cold water. But *no* health can stand sitting two hours or more in wet shoes.

As to the idea, so common in England, that it is a great hardship to go barefoot, we constantly see the custom associated in the minds of poets and artists with liberty and enjoyment.

Two years ago a distinguished French painter asked me to take care of a poor little Italian girl whose health was very much injured by being made to sit for ten hours a day as a model for painters. Her father, on this account, was going to take her home to Italy. Hébert, the painter, though asking me to take her that she might avoid the hardships of a peasant's life, for which she had no longer the necessary strength, could not resist saying at the same time, "Dieu veuille qu'elle ne regrette jamais de ne plus courir pieds nus dans les ruisseaux de son pays!"

The following quotation from Lady Georgiana Fullerton is to the same effect:—"Too Strange not to be True," p. 243:—

Mina, the little heroine, "sadly missed the freedom of her earlier years. She was often in disgrace for breaches of discipline. The confinement of the class-room was trying to her; and she committed faults of a peculiar nature, such as taking off her stockings in order to cross barefooted the little stream which ran through the garden and climbing up the trees to get a glimpse of the sea, the sight of which reminded her of the green waving fields of her home."

Bad or short shoes make children much more footsore than bare feet; and the having the free use of their muscles during the summer would be good for the children's feet, is proved by the following passage from "Lord Milton's Journey to the Rock Mountains:—"

"On these excursions we were much struck amongst other things with the great difference between the walk of an Indian or half-breed and our own. We had before observed that when apparently sauntering quietly along, they went past us with the greatest ease, even when we flattered ourselves we were going at a very respectable pace. This was now in a great measure explained. In walking in the snow in India, we observed La Ronde's great length of stride, and Cheadle in particular, who prided himself on his walking powers, was much chagrined to find that he could not tread in La Ronde's footsteps, without springing from one to the next. Afterwards he discovered that his longest stride was only just equal to that of the little Misquapamayoo, who was only twelve years old. The superiority of the Indian in this respect doubtless results from the habitual use of moccasins, which allow full play to the elastic bend of the foot. This is impeded by the stiff sole of an ordinary boot. The muscles of an Indian's foot are so developed, that it appears plump and chubby as that of a child. Misquapamayoo continually derided the scraggy appearance of our pedal extremities, and declared there must be something very faulty in their original construction."

Dr. E. Blackwell says:

"At Graefenberg, under the famous Priessnitz, many of the patients were recommended to go barefoot; and many delicate ladies might have been seen at that popular water-cure, who never put on shoe or stocking in the house and garden, promenaded for hours in the sunshine with their bare feet, and deriving strength and activity of circulation from the practice. The same custom is not unfrequently introduced into many water-cure establishments in the United States, where it is desired to produce a greater amount of vitality in the feet. And this custom will doubtless be more frequently recommended by physicians, when they learn to depend less upon the action of drugs in the treatment of disease, and more upon the recuperative power of the human frame."

I am perfectly aware of the great difficulty there will be in getting the poor to let their children throw away their ragged shoes in summer, and go *franchement* barefoot, and I therefore earnestly hope that the upper classes will come forward to set an example by letting their little ones head an infant school on one of their expeditions to the Park barefoot.

Their ancestors went on pilgrimages barefoot, but we seldom do anything for it now. Surely this little pilgrimage, if made by your children for the sake of the poorer little brethren, will be acceptable in His sight.

I remain, Ladies, your obedient Servant,

The Hut, Ingatestone, Essex, July, 1866.

HELENA DE NOAILLE



# I N D E X.

Accidents, Street, 199  
 Aert Medal, 315  
 Anatt, R. H. M.A., M.D., on Ozone and Antozone, 116  
 Association, Principle of, by W. Westarh, 689  
 Alums, Sisterhoods in, 551  
 Bnes, Mrs. M. A., a Few Thoughts concerning Infanticide, 535  
 Bier, F. B. L., on the Apportionment of Sentences to Crimes, 124; a Few Words about Casuals, 389  
 Bee Feet, an Apology for, 743  
 Bas and Washhouses in St. Pancras, 5  
 Berage, an Anticholeraic, 633  
 Bl Mist, 655  
 Bobay, Sanitary Condition of, 266  
 Brnerton, Mr., late, 377  
 Buhers' Microscopical Societies, 314  
 Cal, London, 476  
 Capital Punishment Bill, 319  
 — Punishment, by Wendel Phillips, 4  
 — Punishment, 263  
 Carpenter, Mary, on our Neglected and Lstitute Children, 97, 253  
 CasLaw of England, Digest of, 317  
 Cas,ls, a Few Words about, by F. B. L. Baker, 389  
 Cattle Plague, by Dr. Farr, 349  
 — Plague, Lord Bury on the, 141  
 — Plague, 144, 145, 233, 269, 323, 36, 421, 439, 478  
 Children, Neglected and Destitute, by My Carpenter, 97, 253  
 — on the Study of, by William Rhton, M.A., 441, 530, 682  
 — Employment Commission for, 146  
 Chora, by Professor Rolleston, 656  
 — American Views on, 325, 422  
 — and the Jews, 548, 633  
 — Investigations, 627  
 — in Luxembourg, 370  
 — and its Germs, 717  
 Clubs and Institutes, Working Men's, by the Rev. Henry Solly, 393

Cobbe, Miss, on the Women's Petition, 494  
 Cobbin's Brook, 718  
 Common, Disenclosure of a, 318  
 Commons Bill, 481  
 Congress, Botanical, 419  
 Convict Prisons, 714  
 Convicts, Our, 715  
 Coroner, Office of, 129  
 Coroners' Salaries, 413  
 — Inquests and Certificates of, 252  
 Cow-Cottagers' Widows, 551  
 Crime in the City of London, 143  
 Crimes, the Apportionment of Sentences to, by F. B. L. Baker, Esq., 124  
 Dead Bodies, Removal of, 439  
 Death, Medical Certificate of, 546  
 Diarrhoea, Treatment of, 654  
 Diseases, Spread of Contagious, 371  
 Dog Nuisance, Suppression of, 556  
 Dress, Ladies', 706  
 Drunkenness, Death from, 206  
 Earnings of Working Men, 719  
 Edinburgh, Improvement of, 205  
 Education, International, 111  
 Emigration, Female, by Miss Rye, 455  
 Enfranchisement of Female Freeholders and Householders, 613  
 Examinations in the Police Service, 200  
 Explosions of Gas, 438  
 Farr, Dr., on the Cattle Plague, 349  
 Felo-de-se, Verdicts of, 347  
 Fever in London, 236  
 — in Manchester, 423  
 Filters, Lipscombe's, 250  
 Fire Brigade Act, New Metropolitan, 239  
 Fox, Tilbury, M.D., on the Action of Fungi in the Production of Measles, 170  
 Fungi in the Production of Measles, the Action of, by Tilbury Fox, M.D., 170  
 Garrett, Miss, L.S.A., 557  
 Gas Explosions, 438



- Gas Nuisance in Towns, 424  
 — Works and their Owners, by Samuel Hughes, C.E., F.G.S., 289  
 Girls, Examination of, 314  
 — Help for Helpless, 351  
 Globe Lights, Ricket's Ventilating, 380  
 Gordon's Trial, 199  
 Government of the Metropolis, 182  
 Gymnasium at Liverpool, 140
- Halfpenny Post, 249  
 Harley, George, M.D., F.R.S., on the Triple Murder in Red Lion-street, 166  
 Hastings, the late Sir Charles, 507  
 Health, Public, 474  
 Homes for the Working Classes, 377  
 — for the Labouring Classes, by H. W. Rumsey, 353  
 Hospital Nursing, 370  
 House of Commons, 320  
 Hughes, Samuel, C.E., F.G.S., on Gas-Works, 289  
 Hydrophobia, 316, 476
- Idiots' Asylum in Northern Counties, 424  
 Illegitimate Children, Affiliation of, 387  
 Improvements, Metropolitan, 203  
 Infanticide, 550  
 — a Few Thoughts concerning, by Mrs. M. A. Baines, 535  
 Institutes and Clubs, Working Men's, by Rev. Henry Solly, 393
- Jamaica, 268  
 Jews and Cholera, 633
- Labourers, Agricultural, great Meeting of, 317  
 — Dwellings, J. S. Mill, on, 416  
 Ladies' Sanitary Association, 479  
 — Dress, 706  
 Lankester, Edwin, M.D., F.R.S., Notes for a History of Sanitary Legislation, 518  
 — on Sanitary Legislation in England, 579  
 Law, Amendment of, 387  
 Leeds, Sanitary Condition of, 202  
 Legislation, Sanitary, in England, by Edwin Lankester, M.D., F.R.S., 579  
 Libraries, Free Public, 377  
 Lipscombe's Filters, 287  
 London, College of the International Education Society, 271  
 — Workhouses, 313
- Manchester, Fever in, 423  
 Measles, the Action of Fungi in the Production of, by Tilbury Fox, M.D., 170
- Meat, Concentrated, 318  
 Medical Council of Great Britain, 47  
 Mill, J. S., M.P., on Municipalities the Metropolis, 207  
 Mortality of Cities in the United Kingdom in November, 202  
 — of Cities in the United Kingdom in December, 1865, 240  
 — of Cities in the United Kingdom in January, 1866, 270  
 — of British Cities, in February, 322  
 — of Cities in Great Britain, April, 412  
 — of Cities in Great Britain, in May, 473  
 — of Cities in Great Britain, in June, 345  
 — of Cities in Great Britain, in August, 713  
 — of British Towns and Cities, in March, 379  
 — of Towns in Great Britain, in July, 627  
 — at Hong Kong, 320  
 Mortuary Chapels, 159, 238  
 Murder in Red Lion-street, by George Harley, M.D., F.R.S., 166  
 Mushrooms, Smithfield, 270
- National Debt, Extinction of, 249  
 Navy, Recruits for the, 552  
 Notes in Reference to Cholera, by J. J. Pope, M.S., 598
- Ozone, 204  
 — and Antozone, by R. H. Natt, M.A., M.D., 116
- Pankhurst, R.M., LL.D., on Municipal Law, 163  
 Peabody Fund, 375  
 Peace Movement in Paris, 720  
 Phillips, Wendel, on Capital Punishment, 496  
 Poor Law Relief, 251  
 Pope, J. J., M.S., Notes in reference to Cholera, 598  
 Post Mortems at Coroners' Inquests, 628  
 Prison Dietaries, 268  
 Punishment, Capital, in England, by William Falack, 176
- Railways, Metropolitan, 267  
 Registrar-General, Report, Scottish, 18  
 Ricket's Ventilating Globe Lights, 380  
 Roads in the Metropolis, 416  
 Rolleston, Professor, on Cholera, 6  
 Rumsey, H. W., on Homes for the Labouring Classes, 353; on the Sanitary Act of 1866, 659

- Tushton, William, M.A., on the Study  
 of Children, 441, 530, 682  
 Tyne, Miss, on Female Emigration, 445  
 Saint Paul's School, Removal of, 201  
 Sanitary Act of 1866, H. W. Rumsey,  
 on, 659  
 — Association, Metropolitan, 324  
 — Legislation, Notes for a History  
 of, by Edwin Lankester, M.D.,  
 F.R.S., 518  
 Savings Bank, Post Office, 316  
 Sciences, Natural, regarded as an In-  
 strument of Education, by a Cam-  
 bridge Man, 499  
 Small-pox, 418  
 Snow-storm, the Great, 239  
 Sociology, on the Term, 221  
 Solly, Rev. Henry, on Working Men's  
 Clubs and Institutes, 393  
 Stalk, William, on Capital Punish-  
 ment in England and Wales, 176  
 Taylor, Whately Cooke, on Employ-  
 ment for Women, 229, 698  
 Tetralism, the Question of, 457  
 — calmly Stated, 577  
 — at the Mansion House, 140  
 James, Purification of, 628  
 Trade, 221  
 Trampus Harvest in London, 142  
 Vaccination, 417  
 — Bill, new, 322  
 — Refusal to have a Child Vaccinated,  
 201  
 Verdicts of Temporary Insanity, 250  
 Vestries and the Government, 203  
 Water Supply, 498  
 — London, 632  
 — in Wells, Height of, 655  
 Waters, Composition and Quality of  
 Metropolitan, 629  
 Westgarth, W., on the Principle of  
 Association, 689  
 Widows, Cow-Cottagers', 551  
 Wives, Neglect of Supporting, 388  
 Women, Employment of, 352  
 — Employment for, by Whately  
 Cooke Taylor, 229, 698  
 — the Right of, to vote at Elections,  
 420  
 Workhouses, London, 477, 553  
 Worship in the Metropolis, 144  
 Zymotic Diseases in London, 380  
 — in January, 272  
 — in February, 324  
 — in April, 413  
 — in May, 473  
 — in June, 545  
 — in July, 625  
 — in August, 712

END OF VOL. I.

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READ AT THE ORDINARY MEETINGS IN LONDON  
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# I N D E X.

---

- Amendment of the Law, Report of Committee of the Department of, 297
- Arbitration, Courts of, by H. J. Leppoc, 49
- Armorial Ensigns, by Peter Burke, Serjeant-at-Law, 257
- Bankrupt Law, Report of the Sub-Committee on, 283
- Beggs, Thomas, F.S.S., on the Home Accommodation of the People, 67
- Bodrick, Hon. George, on University Tests, 117
- Building Societies, by Thomas Beggs, 37
- Burke, Peter, Serjeant-at-law, on Assumption of Surnames and Armorial Ensigns, 257
- Capital Punishment Commission, on the Report of, by Mr. Serjeant Woolrych, 229
- Children, Destitute and Neglected, by W. L. Clay, M.A., 155
- Cy, W. L., M.A., on the Education of Destitute and Neglected Children, 155
- Coroner's Third Annual Report, by Edwin Lankester, M.D., F.R.S., 199
- Debtor and Creditor, Reform of the Law of, 89
- Government, Improved System of Local, by Thomas Hare, 137
- Guest, John, on the Affiliation of Illegitimate Children, 195
- Hare, Thomas, on Local Government, 37
- Hastings, G. W., Address to the Department of Jurisprudence, 1
- Hives, William, on the Reform of the Law of Debtor and Creditor, 89
- Home Accommodation of the People, by Thomas Beggs, F.S.S., 67
- Illegitimate Children, Affiliation of, by John Guest, 195
- Jurisprudence and Amendment of the Law, Address on, by G. W. Hastings, 1
- Report of the Committee of the Department of, 297
- Justice, Palace of, by Thomas Webster, Q.C., F.R.S., 25
- Land Societies and Building Societies, by Thomas Beggs, F.S.S., 67
- Lankester, Edwin, M.D., F.R.S., Coroner's Third Annual Report for Central Middlesex, 199
- Law Amendment, Address on, by G. W. Hastings, 1
- Leppoc, H. J., on Tribunals of Commerce, 49
- Marriage, Compulsory, by Alfred Waddilove, D.C.L., 177
- Palace of Justice, by T. Webster, Q.C., 25
- Patent Law, Report of the Sub-Committee on, 245
- Rawlinson, Robert, C.E., on Pollution of Rivers in England, 275
- Surnames, Assumption of, should be subject to some Legal Control, by Peter Burke, Serjeant-at-Law, 257
- Tribunals of Commerce, by H. J. Leppoc, 49
- University Tests, by Hon. George Bodrick, 117
- Waddilove, Alfred, D.C.L., on Compulsory Marriage, 177
- Webster, T., Q.C., F.R.S., on the Palace of Justice, 25
- Woolrych, Mr. Serjeant, on the Report of the Capital Punishment Commission of 1866, 229



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*Address to the Department of Jurisprudence and Amendment of the Law, on the Opening of the Session of 1865-66.\* By GEORGE W. HASTINGS, ESQ., Barrister-at-Law, General Secretary of the Association.*

(ON the occasion of the opening meetings of this Department of the Association, and of the Law Amendment Society, it has been customary for an address to be given by the standing committee of the Department, on the topics likely to be brought before the notice of the members during the ensuing session. On this occasion the committee have done me the honour to ask me to deliver an address on my own responsibility; and in proceeding to perform the duty thus imposed on me, I have resolved to confine my remarks within much narrower limits than those hitherto observed. It seemed to me that the latitude very justly allowed to a committee could not be taken with propriety by an individual; that a numerous body, including some of the most eminent members of the Bar, may extend their address over a wide range of subjects, and even pronounce *ex cathedra* on many of them; whereas, an individual, though much more gifted than I am, must confine himself, if he would stand guiltless of presumption, to those topics with which he feels himself well qualified to deal, and must be prepared to enter on facts and arguments in support of his views. I have, therefore, selected three questions for consideration this evening; for each of which as it appears to me, the circumstances of the time demand an early solution, and to which I respectfully invite the attention of our members.

First, then, I desire to point out the necessity that has arisen for establishing a Superior Court of Civil Law. I use the term "Civil Law" in the sense, an incorrect one, no doubt, in which it

\* Monday, November 13th, 1865. Sir Robert J. Phillimore, D.C.L., in the chair.

is commonly employed and understood, as comprehending the branches of law which have been administered on the principle of the Roman and canon law by the civilians of Doctors' Commons; or, in other words, the Testamentary, Matrimonial, Maritime, and Ecclesiastical jurisdictions. Till very recently these branches were, to a great degree, outside the pale of our national jurisprudence, being administered in a nest of distinct courts (recognised, indeed, but jealously restricted and watched by the common law), situate in a locality apart, with a bar and practitioners of their own, and a peculiar procedure. The history of this excrescence on our legal system is well known. The clergy in pursuance of their constant policy of placing themselves above the law of the land, succeeded in establishing, with the connivance of the Norman sovereigns, what were termed spiritual tribunals. To these, of course, were referred all causes ecclesiastical, including the discipline of clerical offenders; for what could be more heinous than that an ordained priest should, like any ordinary subject, be amenable to the law? It was also made clear that the Church should administer, in the interest of the souls, the personal estates of the deceased; hence the testamentary jurisdiction. Further, it was apparent that, where marriage was a sacrament of the Church, the disputes of husband and wife, with the most uncleanly details arising therefrom, were the legitimate property of the courts spiritual. Lastly, on the creation of the Admiralty Court, it was justly considered that its maxims must be drawn from much the same sources as those from which the ecclesiastical lawyers had recourse, and the exposition of international rights and obligations became one of the accredited functions of the advocates of Doctors' Commons. It is only just, though wholly superfluous, to say that whatever the defects and shortcomings of these old civil law courts may have been, they possessed for generations a bar unsurpassed in England, perhaps in Europe, for erudition, and reared judges, always of competent ability, and occasionally of universal renown.

For a number of years—in fact, from the time when law



form was first agitated—great dissatisfaction was expressed, on various grounds, with the Prerogative Court. It was attacked in the Legislature by bills, reports, and speeches, and outside in pamphlets and discussions. Many and various were the schemes propounded for its overthrow, of which not a few were brought forward, year after year, in the Law Amendment Society. The only wonder is, that an institution so vigorously assailed, and for which it was always supposed so little could be said in defence, endured so long; but it seems to be the custom in this country never to legislate for any want, however patent and admitted, so long as legislation can possibly be postponed; and it was not till some eight years ago that the Prerogative Court, after a siege of a quarter of a century, finally succumbed. By the Statute of the 24th and 25th Vict. its jurisdiction was transferred to a new lay tribunal—the Court of Probate—seated in Westminster Hall, tried by a common law judge, with a procedure (so far, at any rate, as the trial of issues of fact is concerned) modelled on that of the common law courts, and with a practice open to the Bar of England and the attorneys and solicitors of the superior courts.

It happened, at the same time, that a public dissatisfaction, quite as great as that which vanquished the resistance of the civilians and the proctors, had arisen with the existing state of our law of marriage and divorce. That law not only perpetuated the anomaly of an ecclesiastical jurisdiction in causes matrimonial (formerly untenable on the Protestant view of the marriage ceremony, and abolished even in most Roman Catholic States), but maintained the scandal—the gravest and most unrighteous known to law—of granting redress to the rich, and denying it to the poor. By a later chapter of the same Statute, another new lay court—the Court of Divorce—was created, to sit in the same place and under the same conditions as already stated concerning the Court of Probate, but to be judicially administered by the judges of the superior courts of common law, assisted by a judge ordinary. The Act directs that the judge of the Probate Court shall be this judge ordinary; so that the same judicial functionary presides over both the new courts; but in all other re-

spects they are wholly distinct tribunals.\* To this Court of Divorce and Matrimonial Causes was assigned the entire jurisdiction in such matters previously administered by the Ecclesiastical Courts, and also the power of dissolving marriages theretofore supposed to be unknown to our law, but exercised by Parliament, after the manner of a *privilegium*, in favour of any one who was rich enough to pay for it.

The jurisdiction of this court was enlarged by a subsequent Act, enabling any British subject to apply to it for a declaration of his legitimacy, or of that of his parents, or that he or they are natural-born subjects of the realm. This measure, which was an importation *pro tanto* of the Scotch law of "declarator," and must be admitted to have cured a serious defect in our system was originated by this Society, and carried chiefly through the influence it exerted; a further proof, if such were needed, of the proposition lately made with so much truth and logic, that we have never done anything. Some doubt has arisen as to the proper construction of that Act, in one particular. The late Sir Cresswell Cresswell ruled, that a petitioner for a declaration of legitimacy was not of right entitled to a jury, the granting that form of trial being in the discretion of the judge. I understand that the present judge ordinary of the Divorce Court interprets the Act differently; I know that it was the design of the framers of the measure, and I believe it was the intention of Parliament, that either party in a legitimization should have the absolute right of demanding trial by jury; but be that as it may, it is clear that any doubt on this point should be authoritatively cleared up, and I am glad to find that our committee intend to persevere with the Bill framed by them for this object during the last session.

The creation of these new courts had disposed of two out of

\* I mention it the more, first, because this division of courts is just the fact that needs alteration; and, secondly, because the fact itself does not seem to be generally known. One often hears the expression, "the Court of Probate and Divorce," whereas there is no such court in existence. There is a Court of Probate and a Court of Divorce, and it happens that Sir James Wilde is the judge of both. It would be correct to talk of the Court of Arches and Admiralty, because Dr. Lushington is Judge of the Admiralty Court and also Dean of the Arches.

our branches of civil law jurisdiction to which I have referred. Third, the maritime jurisdiction, was placed, it was soon seen, in an anomalous position. By the changes that had taken place, the Court of Admiralty was left nearly alone at Doctors' Commons, was threatened with the ultimate loss of its bar, and it had become apparent that its procedure was unpopular with mercantile suitors. A great change was effected by Act of Parliament. The court was removed to Westminster, its bar was thrown open, its procedure was remodelled on the common law system, it was made (what it never had been) a court of record, and was endowed with many of the privileges of the Superior Courts. It now sits, like the Probate and Divorce Courts, as one of the ordinary tribunals of the land, and thus it has come to pass that three out of the four exceptional jurisdictions with which we have been dealing, have been adopted into the national jurisprudence.

The Ecclesiastical Courts, shorn of their matrimonial jurisdiction, are now left alone, and I pointed out, in a paper read before the Association in 1864, the anomalous and unsatisfactory position of these tribunals. The class of advocates from which their judges have been supplied, is now absorbed in the general body of the Bar, and will in time pass away, and they have no business sufficient to maintain practitioners of their own.\* The case of the Consistorial Courts may perhaps be considered one to which the maxim *de minimis* may apply, especially as any important cases which may come before them, are invariably passed on at once by letters of request; but what is to be said as to the Court of Arches, to which such letters are addressed? It is the Court of Appeal for the whole province of Canterbury, and has had in our own time to dispose of several questions in ecclesiastical law of the utmost gravity. Yet the salary attached to its judgeship is almost nominal, and when the race of civilians has passed away, it is curious to know in what way the office is to be satisfactorily filled. The dif-

\* The total number of suits in the Ecclesiastical Courts of both provinces in 1864, was 6715.



faculty as to the salary has been hitherto overcome by annexing the Deanery of the Archies to another well-paid judgeship in Doctors' Commons, such as that of the Admiralty; but this is an expedient which can hardly be continued long under the present state of things. I conclude, therefore, that some legislative arrangement will ultimately be made as to this appellate court.

It will probably be admitted that it is desirable to keep together the administration of these branches of the law. They are all more or less cognate, and they together command enough business to maintain, like the courts of equity and common law, a section of the Bar especially versed in their principle and practice. The new procedure, as I have said, has been framed to a considerable extent, and most beneficially, on the common law system; but the law, apart from the procedure is the same as ever, and will remain founded on the great judgments delivered in by-gone times by civilian judges. The Legislature manifestly contemplated the continuance of such connexion, when it provided that the judge of the Court of Probate should also be the judge ordinary of the Divorce Court, and when it further enacted that the same personage should be compellable to accept the judgeship of the Court of Admiralty, on a vacancy occurring, if the Government should see fit to offer it to him. It is quite possible that the authors of these enactments intended that the Deanery of the Archies should be also accumulated on the same head, and that the different branches of the civil law jurisdiction should thus be administered, in separate courts, indeed, but by a single mind. Supposing that this has been the design of the Legislature, and supposing further that it could ever be practically carried out, it would seem that the plan of joining together the judgeships of courts whose jurisdiction is kept carefully separate is but a clumsy way of effecting the object of union. It is somewhat as if a Vice Chancellor's work were to be parcelled out among separate tribunals, and he had to sit in one court to grant injunctions, in another to enforce specific performance, and a

ward to dispose of trust business. But it is needless to argue this point, because it is certain the intentions of Parliament can never be carried out in their integrity. The labour would be greater than any one judge could perform, and far greater than what was probably contemplated at the time of passing the Acts I have referred to. The amount of litigation in the Admiralty Court has increased considerably since the improvements in its procedure; the business in the Divorce Court has transcended all expectation, and is still growing;\* it is doubtful whether one judge can long continue to get through the work of that Court *plus* the Court of Probate; and it is certain that the addition of the Admiralty jurisdiction, as sanctioned by Act of Parliament, would cause the business of the three courts to break down at once. It is clear that some further provision will have to be made at no distant day, and the question is what that provision is to be.

It has been suggested, I believe, that the judgeship of the Court of Probate should be dis severed from that of the Court of Divorce, and should be united with that of the Court of Admiralty. This would, no doubt, remove some of the difficulties and inconveniences already existing or likely to emerge; but I venture to submit that a far more complete and satisfactory solution of the question is to be found in the plan suggested by me in the paper already referred to, and which I now repeat. I propose that the separate Courts of Probate, Divorce, Admiralty, and Appeals should be abolished, and that a Superior Court of Civil Law should be created, possessing Testamentary, Matrimonial, Maritime, and Ecclesiastical jurisdiction; that the judicial staff should be composed of a chief judge, and two puisne judges, being one more than at present;† and that these judges should sit together or separately, as convenience and the nature and

\* The total number of petitions in 1864 was 332; in 1863, 323; the average from 1858 to 1862 was 296. The court fees increased steadily from 1549*l.*, in 1850 to 2988*l.* in 1864. See Judicial Statistics, 1864. Part II., page 28.

† Thus the additional expense would only be the salary of the chief judge, and it is probable that this might be partly saved by reductions in the number of officers in the existing courts.

amount of the business might render expedient. The advantage of this plan would be several, and would certainly be superior to any that could result from the maintenance of four separate courts. In the first place, the flexibility of the organisation would mean as to the number of judges before whom any case might be heard—would greatly facilitate the satisfactory administration of justice. The systems of the Common Law and Equity Courts run into opposite extremes on this point. In any one of the three Superior Courts sitting at Westminster, it is common to hear cases argued before three or four judges, which might be disposed of by one, to the perfect satisfaction of the Bar and the public. Such a system is uneconomical in the highest sense, involving as it does a waste of time, labour, and judicial force. On the other hand, every suitor in the Court of Chancery, however complicated and important the nature of his suit, must accept in the first instance the decision of a single judge, though it is obvious that questions must not unfrequently arise on which neither litigant will be satisfied with their solution by one mind, and an appeal is consequently certain before even the judgment is pronounced. Might not a middle course, an organisation in which the primary proceedings might take place before either a single judge, or a full court of three judges, as the nature of the case or the wishes of the suitors should suggest, be an improvement in judicial procedure?

In the second place, and as an illustration of the foregoing remarks, would it not be advisable to strengthen the Court of Admiralty? I speak without the slightest reference to the present eminent judge of that court, or to any possible successor, or, indeed, to the business that is ordinarily transacted within its walls. But I believe it is the common expectation of jurists that in the event of another great naval war arising in the world, questions of maritime law, very difficult and delicate in their nature, and to a considerable degree novel, are likely to emerge, and, bound as we are by international comity, by treaties, and by our own imperial interests, to maintain a Court of Admiralty competent to deal in the most authoritative way possible with



these questions, there can be little doubt, I imagine, that such a tribunal, sitting in such cases, would be more satisfactorily constituted, if represented by three judges, than by one.

Thirdly, I venture to surmise that cases of ecclesiastical law come before the appellate court of the province, which would be better decided by a more numerous bench. No doubt, as in the Admiralty, ordinary litigation may be satisfactorily disposed of by a single judge, but of late years several questions of a much graver character have troubled the Court of Arches. None could be better fitted to grapple with them single-handed than is the present judge; but if that distinguished civilian was reported truly, he himself, in the celebrated case of *Essays and Reviews*, threw out an expression implying that he only regarded the proceedings before him, as the appointed channel through which the litigation must flow in order to reach the place for a binding decision. Few men probably could have felt otherwise; but this is hardly a satisfactory position for what is itself an appellate court. Doubtless there are suitors in all courts who will be content with nothing short of a final judgment by the highest tribunal, and the suitors in the case referred to may have been of the number; but it is certain that a deliberate opinion pronounced by three eminent minds, would be sufficient, as a rule, to produce that early end of litigation, which is one of the prime objects in the administration of justice.

Fourthly, the constitution of such a court as is proposed would put a stop to one inconvenience at present experienced in divorce suits. The force of the arguments against uniformly employing a single judge, was evidently felt by the Legislature in respect to such cases, and the duty was consequently imposed on the common law judges of sending two of their number to sit with the judge ordinary on questions of more than usual difficulty, or in which his decision is appealed against. That is, two judges are taken from a bench where they are already fully occupied, and where they are masters of their business, to preside over a court in which whose maxims and procedure they are but slightly acquainted, and from whose judge ordinary, being the person whom

they are supposed to advise, they will have to ask information at every turn. It would be difficult to imagine any arrangement more vicious in principle, and I am not aware that it has been in any way redeemed by the practical results.

Now, if the plan which I have suggested were carried into effect, not only would the court be self-contained, and the common law judges be relieved, but the business of the suitors would be much more promptly and better done. If a point of law, as to the admission of evidence or the like, were reserved on the trial of an issue, it would be speedily argued before the full court; and if an application were made for a new trial, it would be heard and decided by two fresh minds, in addition to that of the judge who originally tried the case. But these things really do not require argument; no one can doubt that the existing judicial condition of these new courts is susceptible of improvement, and that the business, notwithstanding the pre-eminence of the two judges who have successively administered it, is growing too large for a single hand. It must be remembered that the legislation which created these courts was necessarily experimental; Parliament was much in the dark as to the routine and amount of the work to be done; but now that the experience of eight years has furnished us with fresh light, it is easy to see that some further changes must be made. I have ventured to suggest a solution of the problem; a better one may be forthcoming; but in some shape or other the question ought to be settled, and settled while there is time to do so without that precipitancy which often characterises enactments postponed so long that urgency at last precludes any further delay.

The second subject to which I desire to direct your attention, is the need in our large provincial towns for courts of law with plenary jurisdiction and resident judges. I am convinced that the legal profession in the metropolis, and I fear the Legislature also, have little idea of the deep dissatisfaction with the law, which pervades a large and influential class of the population, especially the mercantile class, in the provinces. It is most painful, at the annual meetings of our Association, and on other

occasions when such topics are discussed, to hear the tone in which the law and lawyers are spoken of, the bitter discontent, the deep-seated distrust, the hate of the law as the obstacle to redress in mercantile injuries, and of the lawyers who are believed, for their own interests, to stand in the way of the removal of this great wrong. There is much that is exaggerated, and something that is untrue, in these ideas; but they are none of them wholly without foundation, and some are the inevitable results of the one immense grievance—for immense it is—which our present system still entails—the denial of complete local justice to millions.

Consider for a moment what the state of things is, remember that England is the only country in Europe where it exists (a fact well known to the aggrieved class), and then you will cease to wonder at the feeling excited. Take, for example, the town in which the Association assembled a few weeks since, the centre of the great steel trade. Sheffield has a population of 200,000 inhabitants; it has wealth to stock a kingdom, enterprise to cover the world with its goods, capital and credit which could buy up half the leading towns in Europe. In the business carried on by its traders and manufacturers a number of disputed questions constantly arise, which require speedy adjustment by the law. Yet Sheffield, from year's end to year's end, never sees a judge who has compulsory jurisdiction beyond the amount of 50*l*.\* But even in towns where assizes are held, grievous complaints are made of the delay and denial of justice. I once heard a Liverpool merchant recount a long list of instances, happening within a short period, in which traders and shipowners of that town had been forced to abandon just claims because there was no court ready for their enforcement. Great attention has no doubt been paid of late years, and with excellent results, to our legal procedure, and many beneficial improvements have been made in our

And it must be remembered that the voluntary jurisdiction given to the County Court judges is practically of little avail. Both parties must consent, and the provision is therefore nugatory in those cases in which prompt justice is needed most—the in which the party in the wrong knows that he has no defence, and relies on evasion and delay.



laws ; but, after all, the most enlightened laws and the best procedure are but a Barmecide feast to the suitor, unless you also provide him with courts really accessible—that is, with courts in which he can promptly and conveniently litigate. Such tribunals, whatever may be thought in Westminster Hall, are absolutely non-existent as respects a large and influential class of the population—a class which contributes enormously to the nation's wealth and prosperity, and which has a right to be consulted on a matter affecting its own interests and needs.\*

There is, of course, a stereotyped reply to any statement of this kind. We are told that our ancient constitution requires centralised administration of the law ; that the uniformity of jurisprudence is owing to this system, and would perish if innovation were attempted ; that the existing state of things, with its terms and circuits, its mixture of central and ambulatory justice, has lasted since the Norman era ; and much more to the same effect. The simple rejoinder (waiving inquiry as to the accuracy of all these assertions) must be that if antiquity be candidly consulted, its authority will be found on the other side of the question. To say nothing of the old county courts, which were of doubt of Saxon origin, and therefore, it may be, founded on a different legislative idea, a slight research into municipal records will prove how careful was the provision for complete local justice in the principal towns in England under the Plantagenet sovereigns and their successors. The City of London, which has guarded its ancient legal privileges with wise tenacity, affords living evidence of the kind and degree of local justice demanded by our ancestors. The City possesses, and has possessed from time immemorial, a Lord Mayor's Court, of which the judges are the Recorder and the Common Serjeant, and which is armed with plenary jurisdiction in civil suits. Besides this, there is the Sheriff's

\* At a conference of representatives of various mercantile associations throughout the kingdom, held at Liverpool, April 28th and 29th, 1853, the resolutions passed enumerated "several leading grievances under which the trading classes, especially in the provinces, suffer." The first of these was, "The want of a summary, economical, and authoritative mode of settling disputes, arising out of the absence of permanent local tribunals, possessing complete jurisdiction and compulsory powers, to which access can always and immediately be had." See, also, the *Transactions* of the association, 1858, page 153, *et seq.*

court, for the recovery of small debts. Now, the Reports of the Commissioners on Municipal Corporations will show that courts similar to these existed, and were in active operation, in all the chief towns in England during the middle ages. There was always a Sheriff's Court for small debts, generally for sums under forty shillings; and there was also a Mayor's Court, not always under that name (in Bristol, for instance, it was called the Tolzey Court), whose judge was the Recorder of the borough, then a resident officer, having a salary commensurate with his duties. In towns of the first class, this court had jurisdiction to any amount; in those somewhat inferior in population and importance, its powers were limited by a certain value, of forty pounds or more, representing, I need not say, a much larger value at the present day. The reason why so considerable a proportion of the cases at Westminster for centuries related to land, was not, as some writers seem to have supposed, that personal property was of no account in mediæval times, but that the merchants and manufacturers of those days settled their litigation in the local courts.

The causes of the decay of these tribunals were several. Their procedure became antiquated; their jurisdiction, confined to the ancient areas of their towns, was inadequate for the expanding population; but, above all, their judges, the Recorders, came to be non-resident. The fixed salaries of these officers, as the value of money changed, were miserably insufficient to command any proper judicial services; and many local judgeships have consequently become *quasi*-honorary appointments for the Bar, being generally bestowed on the leading members of the circuits, with duties chiefly confined to the trial of prisoners at quarter-sessions. Yet such is the vitality of local justice, that these courts are often kept alive under every disadvantage; the Common Law Procedure Acts have been applied to some of them; but their benefits are, for the most, but a faint reflection of the good they once conferred on the boroughs that gave them birth. The City of London, which I once more quote as an example, has had the advantage throughout of a Recorder and other ju-

dicial officers close to its doors ; but in other respects, its ancient Mayor's Court was circumstanced much as those of other towns. The Common Council did not fall into the error of allowing their Recorder's salary to dwindle to nothing, but have by the liberality commanded the services of the first men at the Bar. The court, however, from defects in procedure and in the execution of its judgments, had very much decreased in utility, whereas some few years since, the Corporation obtained the passing of a local and personal Act, by which the procedure was thoroughly remodelled, the jurisdiction extended, and the process of the court made thoroughly effective. The success of this enlightened measure is a crucial test of the need for local tribunals of a superior order throughout the country. The City of London is close to Westminster Hall and Lincoln's Inn, and has the privilege of a special assize every term at its Guildhall ; yet, with all these facilities for recourse to the Superior Courts, nearly five thousand suitors in the year 1864 sought redress in the Lord Mayor's Court (which has plenary powers both in law and equity), in addition to the many thousands more who availed themselves of the Sheriffs' Court. If there be such a demand for local justice in the metropolis, how much more must the need be felt in towns far from the Superior Courts, and second only to London in wealth, population, and business !

I therefore propose that these old borough courts should be reorganised, and new borough courts created, in all towns above a certain population, if the inhabitants desire the boon. Such courts should possess plenary jurisdiction both in law and equity, and should be able to serve process and execute their judgments throughout the kingdom, just as the County Courts do now. The Borough Court should be the Court of Bankruptcy ; whether it should also be the County Court for the district would be a matter for arrangement according to the circumstances of the case ; it would often, perhaps always be convenient that the two should be consolidated ; but, in that event, provision should be made for trying the real small debt cases, say under forty shillings (which was the ancient limit and



ould include the great bulk of the total number of complaints), before a Registrar, in order that the more important objects of the Borough Court might not be defeated. In order to meet the want of the commercial class, lately alluded to pointedly by the Lord Chief Justice, it should be provided that, in any case dependent on mercantile usage, the litigant parties may at their option try the issue before the judge as they would before an arbitrator, without technical pleadings, and with the assistance of two merchants as assessors. This would, I believe, answer all purposes better than the establishment of separate tribunals of commerce, would in the long run do more justice and give more satisfaction, and avoid the vicious plan of multiplying courts. The judge of the Borough Court should in all cases be the Recorder, assisted, in those places which would require it, by a deputy, like the Common Serjeant in London. It should be a condition of the office that the Recorder give up practice, and reside within convenient distance of his court; for what is required is a judge who will hold his court as often as is necessary, sitting *de die in diem*, if that be required, and always on the spot to supply the wants of suitors. For this purpose such a salary must be attached to the office as will command ability and eminence at the Bar. In several of our large provincial towns the means are already at hand in the salaries of recorders, commissioners of bankruptcy, and County Court judges, which if put together, of course with due regard for existing interests, would suffice to maintain a well-paid judicial staff. But there can be little doubt that many towns would gladly tax themselves in order to obtain the privilege of an efficient local court, and would soon find themselves repaid in the better supply of civil justice, and in the diminution of prison expenses, by the more frequent criminal sessions which would be held by a resident Recorder.

I need not reiterate that the application of such a system to any town should be only at the wish of its inhabitants; but as it would scarcely be expedient to carry out such a change by a number of special acts, possibly varying in their provisions, I

suggest that a general measure, permissive in its nature, should be enacted, enabling the Crown to establish, by order in Council such a Borough Court as has been described, in any town possessing more than a certain number of inhabitants, and petitioning through its municipality for the creation of a court under the prescribed conditions. The enactment would thus have the advantage of being permissive and tentative in its nature; if it were generally availed of, it would remove the discontent now existing; if it were found to be inoperative, no harm would have been done, and the Legislature would at least stand acquitted of indifference to the wants of the mercantile community.

If it be true that good laws lose half their efficacy unless there are accessible courts for their administration, it may be added that the efficiency of a tribunal must, to a great extent, be measured by the degree of excellence attained in its procedure. Great improvements have, within the last fifteen years, been made in this respect in our Superior Courts of Law and Equity, but not a little still remains to be done. Efforts should constantly be made, especially by the study of what may be called the comparative anatomy of different procedures, to frame a code as uniform and perfect as possible. It must be remembered that while in substantive law we must often be content with what is confessedly inferior, in procedure we can always aim at the best. Law, so to speak, is a fluctuating, but procedure a fixed quantity. For instance, it would be impossible to frame a code of inheritance and devolution of property which would everywhere be esteemed the best. In England primogeniture is thought beneficial; in France and the United States it is regarded as a social injustice. The descent of property among the Hindoos is irreconcilable with any European legislation. On the subject of marriage, again, the ideas of one part of the human race differ radically from those of the other, and legislation which is accepted as wise with the one, would be vehemently rejected by the other. In fact, positive law is, to a great extent, the growth of race, soil, climate, political institutions,

ass-interests, inherited prejudice, and the other and varying forces of social life. But procedure, on the other hand,—that is, the mode of bringing the parties and the subject-matter of litigation before the court, of ascertaining the questions of law or fact to be decided, of trying those questions, of enforcing the judgments thereupon, of administering property under judicial control, and so on,—is a mechanical process, the adaptation of certain means to a certain end, and is, therefore, like other mechanical processes, susceptible of being made scientifically accurate and complete. It would be just as possible to frame a best procedure as to make a best steam-engine. Such an object is most likely to be attained by the comparative study of different procedures, and the selection from each of their most effective portions. Considerable diversity obtains in the Superior Courts of the three parts of the United Kingdom. England, on a comparison, would probably be found to enjoy considerable advantages over the others; yet we might learn something from both Scotland and Ireland. If the survey were extended to other countries, the ultimate benefit would be proportionately increased; and there can be no reason why a code of improved procedure should not at last be framed, uniform for the whole empire, and containing provisions applicable to the business of all Courts in their various ramifications.

I would suggest the appointment of a special committee on this subject, to collect information, and report from time to time; there is no topic on which the labours of the Department could be bestowed with greater benefit to the public and more credit to the Society.

But I am anxious on this occasion to call your more particular attention to an important part of the great subject of procedure, the rules as to the admissibility of certain kinds of evidence. This question has been more than once so ably dealt with in the Department, more especially by Dr. Waddilove, and the argument has been so fairly exhausted, that I do not purpose to dwell on it at the same length as on the two preceding topics. Yet as the debate in the House of Commons in the last session



on Sir Fitzroy Kelly's Bill, and the remarks thereupon, show how much has yet to be done to place this question in its true light before the public, I say a few words in the hope that the Association may not allow the matter to drop. Some of the observations made in the House on the occasion were rather surprising. One honourable and learned Member argued that plaintiffs in actions for breach of promise should not be admitted to the box on the ground that if the witness were young and prepossessing the jury would always give her a verdict, however unjustly. And it is hard to see why juries should be unduly biassed by young and prepossessing women in one kind of action more than another, the logical conclusion must be, if the argument is to be held valid, that female testimony should be excluded from our Courts altogether. Certainly, no objection can be made to a woman swearing that she has been promised marriage, which does not apply with equal force to actions for seduction, in which the evidence of the seduced person is admitted. But probably the real idea underlying the opposition to a reasonable change is that the testimony which will be let in is likely to be perjured. This is the old argument, on which was based the whole fabric of technical restrictions on the ground of interest so beneficially swept away by the legislation of Lord Denman and Lord Brougham. The idea subsists apparently on the fallacies that the Legislature is bound to guard the consciences of witnesses, and to protect juries against deception. The second of these supposed duties is unnecessary; the first is beyond the province of either Parliament or the Courts. Perjury is incident to all verbal testimony; and every witness who enters the box must do so on his individual responsibility to God, his conscience, and the law, with full power to forswear himself if he chooses to face the penalties, temporal and spiritual, of his crime. But those who believe that juries are likely, as a rule, to be deceived by perjured testimony must have a wonderfully low estimate of the pressure exercised in cross-examination. Setting aside exceptional cases, which we must do in all human affairs, nothing is more certain than that, if witnesses are once put in the box, they

truth will come out somehow. But, to hear the arguments employed by some people, one would suppose that this is just the result to be most dreaded.

Now it is an inflexible canon of the law of evidence, that the best testimony producible is to be tendered; as, for example, that when documentary proof of a fact is in existence, the document must be produced, and verbal evidence of its contents is inadmissible. If this sound rule were recognised by the Legislature as it is by the Courts, we should hear no more objections to the admissibility of the parties in any suit. Beyond all question they are in most cases the best evidence, because they know more than any one else of the matters involved in the issue. Divergence from this natural maxim, and the substitution of artificial restrictions, have led to numberless absurdities and much wrong; let us hope that the last rag of an antiquated system may be soon swept away, that the elucidation of truth in the directest and speediest mode possible may be recognised as the true path to justice, and that even in the Divorce Court we may cease to sacrifice common sense to prudery.

There is another class of witnesses who are now excluded from our Courts—those who conscientiously decline to take an oath, on the ground that they do not believe in a God or in a future state. The abrogation of the rule which forbids the reception of their testimony has been frequently urged, and, I think, with justice. At the close of a discussion on this subject at Sheffield, Mr. Forsyth, the learned Vice-President of this Department, is reported to have said that he objected to the admission of such evidence, inasmuch as he would not trust his own life and property to the veracity of unbelievers, and could not therefore consent that other men should be compelled to trust theirs. I confess that such an argument, which probably embodies ideas generally prevalent on the subject, seems to me beside the question. I shall not discuss the point whether a man is unworthy of credit because he avows his disbelief in a God or in a future state, though it may be doubted whether speaking the truth on one point is any proof that a witness will speak falsely

on others. But the question is, should any kind of direct testimony be excluded, on the ground that it is likely to be deficient in credibility? It is not so in other cases. A woman who is leading an abandoned life may not be a very credible witness, yet her evidence is always taken, even on such a charge as that of violation. The argument alluded to seems to involve some confusion between the *competence* and the *credibility* of witnesses; the latter is a question for the jury, and it is very possible that the admission of atheism by a witness might damage his testimony in the minds of many jurymen. But to say that such a witness is not competent, is to say that he is not credible before his credibility has been tested, and to take from the jury the legitimate function. The evidence should be admitted *valere quantum*, and the injustice now occasionally done to third parties and the consequent scandal to justice, would be thereby obviated.

The arguments for the admission of the evidence of prisoners in criminal trials are much the same as those with respect to parties in civil suits; but they have this additional cogency, that acquittal would thereby be more secure for innocent persons. Unquestionably, there are cases in which the testimony of the accused would clear up unjust suspicions when nothing else could do so. It has been the boast of the English law, that it preferred the escape of ten guilty to the conviction of one innocent person, and yet it denies to the guiltless the opportunity of telling his own tale as a witness on the trial. The question will be found exhaustively stated in a paper read before the Association at the Law Amendment Society by Mr. Pitt Taylor, in the year 1860. The arguments therein in favour of abolishing the restriction seem to be unanswerable; at all events, they have never been satisfactorily rebutted.

I have done with the three questions which I determined to bring before your notice, and have only a few observations more. It must be a matter for sincere congratulation that an Act passed during the last session of Parliament has established in Ireland a system for recording titles to land. A scheme for the Registration of Titles, devised by Mr. Stok-



and Cookson, was originally brought before the public through the Law Amendment Society; its principle has been since fully approved by the Legislature, but unfortunately the measure passed by Lord Westbury is defective in its structure, and does not fully carry out the views on which it professes to be founded. The Irish Act will, I venture to prophesy, prove much more efficient, for the good reason that it was framed by men who thoroughly understood the subject. The initiation and, to a great extent, completion of this measure was owing to the exertions of one of our members, Mr. F. R. Torrens, a gentleman who has had the singular good fortune of being the instrument of the same public benefit in both hemispheres. Having succeeded in reforming the mode of transferring landed property in his own colony of South Australia, he has been able, on his return to this kingdom, to secure a similar benefit for his native country of Ireland.

Mr. William Hawes, who so well understands the subject, promises a paper on the Bankrupt Law. Eight years since, this Association was able to obtain, for the first time, the united opinions of the different Chambers of Commerce and Trade Protection Societies throughout the kingdom as to the amendments required in the Law of Bankruptcy. The special committee appointed by the Association for this purpose embodied the results of their inquiry in a Bill,\* which was introduced into the House of Commons in 1858, and again in 1859, when it was read a second time and ordered to be committed. The dissolution of Parliament and subsequent change of Ministry prevented its further progress; but, in the following November, the Bill was laid before Lord Palmerston and the Attorney-General, as representing the views of the mercantile community. Sir Richard Bethell subsequently introduced and carried a different measure, of the merits of which the country is by this time able to judge. I will only say that a comparison

\* It is unnecessary to point out to any member of the Association the absurdity of the statement recently made, that this Bill was prepared by the Select Committee of the House of Commons moved for by Mr. Moffatt. Mr. Moffatt's Committee was not appointed till 1864, and reported only a few months since.

of the provisions of our Bill with the existing Act will leave little doubt on the mind of any impartial person as to their respective merits. The Association, therefore, has a good right to make its voice heard on any future attempt to amend the Bankrupt Law; and I hope that our standing committee will be prepared to act, if needful. After the discreditable failure of the Act of 1861, it is to be hoped that no fresh enactment will be passed without further inquiry and most careful deliberation.

I have only, in conclusion, to commend the foregoing remarks to the kind consideration of the members.

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DISCUSSION.

Mr. THOMAS WEBSTER, Q.C., F.R.S., had great pleasure in proposing a vote of thanks to Mr. Hastings for his admirable and exhaustive address, coupled with a request that it should be printed and circulated among the members of the Society. As regards the new constitution of the Divorce, Ecclesiastical, and Maritime Courts, as proposed by Mr. Hastings, there was one point on which Mr. Webster was disposed to differ from the views expressed by Mr. Hastings. Seeing how widely different are the cases which come before the Divorce, the Maritime, and the Ecclesiastical Courts, he did not see the necessity for uniting them to such an extent or so closely as he understood was proposed, or that any cases should come, in the first instance, before three judges. He thought it was usual in the administration of justice, and therefore desirable, that every case in each branch should be first heard by one judge experienced in that particular branch, assisted, if necessary, by a skilled assessor, as in the Admiralty Court. He wished also to express the strong conviction he felt, of the importance of maintaining the position that all judges in the Ecclesiastical Court should be laymen. It was most advisable that every question should be kept clear of any bias, or suspicion of bias, which would attach to decisions supposed to be influenced by the views which the ecclesiastical clerics might entertain of what should be the law. The making of the law was one thing, and its exposition another; and there could be no consistency or confidence in decisions supposed to be come to by any person than those who, by professional training and long practice, acquired, as it were, an instinct for the interpretation of law as it is.

Dr. WADDILOVE seconded the motion.

Mr. PERCIVAL suggested that the reform of the lunacy laws should also engage their attention, and be included in the address.

The CHAIRMAN decided that the subject could not be introduced into

he address, because it was not an address from the committee, but merely the address of Mr. Hastings.

Mr. EDGAR advocated the appointment of committees of arbitration in provincial towns, analogous to the committee of the Stock Exchange.

Mr. DANIEL, Q.C., expressed his regret that reference was not made in the address to one of the most crying evils in the present day—namely, the state of the Court of Appeal in the Court of Chancery. The present state of that Court was most unsatisfactory. Under the act by which it was constituted, the Legislature intended that the full Court should, as a rule, consist of the Lord Chancellor and two Lords Justices, but permitted an exception in certain cases, without the whole being present. The rule had become the exception, and the exception the rule; for in Lord Westbury's Chancellorship the full Court never once sat. His Lordship upon one occasion, when applied to to have a case heard before the full Court, said, "I am the full Court." This system is pregnant with evil. It too often happens that the two judges constituting the Court of the Lords Justices differ. What is the consequence? The judgment of the Court below is affirmed by reason of the concurrence of one judge of appeal, though one judge of appeal differs; and the only remedy, an appeal to the House of Lords, is beyond the reach of most suitors.

He also observed with reference to the extent of jurisdiction in criminal matters, that in most of the charters of old boroughs the jurisdiction was without limit, adducing his own experience as Recorder of Ipswich. He had once in the Borough Court there heard, at the same sessions, a case on a bill of exchange for 500*l.* against the drawer, the question being whether he was discharged by a complicated course of dealing with the holder and the acceptor; and another case, an action of trespass, but in truth involving the title to the ownership of a house of considerable value, the question bearing upon whether the wall in which the beam rested was a party wall.

He advocated the extension of local administration, legal and equitable, without limit, provided proper judges were appointed at adequate salaries; but the old salaries of Recorders were quite inadequate to the duties they had to discharge under the old charter.

Mr. JOHN HODGKIN suggested the propriety of briefly stating, in the shape of a note to the address, what had been done by the Association, as an answer to those who questioned the utility of their operations.

Dr. PANKHURST said, the subject of the extension of the jurisdiction and powers of local Courts was one of the greatest importance. The commercial community felt themselves very much injured by the existing provision for the administration of justice. One form in which this dissatisfaction was manifesting itself was in the action being taken in the great towns of the empire to establish Committees of Arbitration, or Tribunals of Commerce. The necessity for this system of means was founded on the present evils of delay, expense, and uncertainty. To these grievances the commercial community were determined no longer to submit, and were taking a remedy into their own hands.



The true remedy, however, was to be found in the fuller and more direct recognition of the principle of the local administration of justice. In every populous district there should be created local Courts of plenary jurisdiction, constantly accessible, presided over by efficient well-paid judges, supported by adequate administrative machinery.

Mr. A. J. Williams drew attention to the Merchant Shipping Disputes Bill, brought in by Mr. Denman last session, and urged the importance of reintroducing it as a measure applicable to all mercantile disputes.

The CHAIRMAN said he understood that the report merely contained the opinions of Mr. Hastings, submitted for future consideration, and that by passing the resolution they did not adopt those opinions. As to the Ecclesiastical and Admiralty Courts, he quite agreed in what had been said respecting the deficiency in their mode of procedure. If they were to place the Court of Admiralty, and especially the Prize Court, under the jurisdiction of two judges, they might run the risk of introducing great discord and evil. It was better to have one judge, with an appeal to such a tribunal as the Privy Council; but that was a question for future discussion. It was to be remembered that the lay judge of the Ecclesiastical Court is appointed by the Archbishop of Canterbury, thereby ensuring his being a member of the Established Church; and if that appointment were in the hands of Government, it might raise some of the most delicate questions that could be discussed. It might raise the question whether, after all, it would not be most satisfactory to have the ultimate Court of Appeal composed exclusively of laymen, subject to a reference to the proper authorities of the Church for their opinion on all questions of doctrine, that opinion not being binding on the Court, but given for the information of the Court.

The motion was then agreed to, and a vote of thanks was passed to Mr. Hastings.

The meeting then adjourned to Monday, November the 27th, at eight o'clock.

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*The Palace of Justice—The Site, Approaches, and Arrangements of the Courts and Offices of Judicature.* By THOMAS WEBSTER, Q.C., F.R.S.\*

THE Session of 1865 will be memorable in the annals of British Legislation for the passing of "the Courts of Justice Blding Act, 1865," and "The Courts of Justice Concentration Site Act, 1865." This legislation is the first step towards the consummation of the labour of those who, during the last quarter of century, have advocated such a measure as essential to the economic, convenient, and effective administration of justice, and to the progressive improvement of our whole system of jurisprudence. Many of those who first laboured towards the attainment of this measure, have passed away from amongst us, but the Society for the Amendment of the Law, now incorporated with this Association, and others eminent for the advocacy of all measures of social improvement, have consistently and perseveringly persisted against all opposition, and will, I trust, continue to persist in the same course, until they are able to assemble a Palace of Justice worthy of the Metropolis of the British Nation, and of the cause to which it is dedicated. The two Acts above named received the Royal assent on the 19th day of June; on the 29th day of June, the Lord Chancellor Westbury issued a Commission in accordance with their provisions; that Commission promptly and energetically entered on the duties entrusted to its charge; the certificate, which by the 19th section of the Site Act was a condition precedent to the acquisition of the site, has been given, and the Commissioners are now armed with full power for the immediate acquisition of the site on which to concentrate the Courts and Offices of Judicature.

This site is not only pre-eminently adapted for the purpose, by

\* Read at a Meeting of the Department of Jurisprudence and the Amendment of the Law, on Monday, November 27, 1865, and ordered to be printed and circulated. W. S. Daniel, Esq., Q.C., in the chair.

reason of its local position in the centre of the Law District, and its capabilities of easy and convenient connexion with every part of that district; but it affords means of being made subservient to one of the greatest metropolitan improvements that this any nation has witnessed. Bounded on the south by the Thames and on the north by the great east and west artery of Holborn and Oxford-street, and intersected by the other great artery east and west communication, Fleet-street and the Strand, levels admit of transverse communications from north to south and across the site, arranged in such manner that the traffic proper of the Palace of Justice may be isolated and separated from all other traffic; or in other words, that persons having occasion to resort to the Palace of Justice, or its Courts and Offices, either for business or pleasure, may have no inducement to traverse that site *en route* for other places, as for instance, that the traffic passing between the City and West-end, or between the railway termini in the northern and southern parts of the metropolis, may find it more convenient to adopt some other route than the direct approaches of the Palace of Justice.

The approaches of the Palace of Justice,—that is, the access to it, from distant places without the Law District—the access within the Law District, connecting together the different parts of that District—the accesses of the different Courts and Offices of Judicature—the accesses within the Courts and Offices themselves—have, to my mind an importance which cannot be over-estimated, affecting as they do the convenience of every branch, of every department, in fact, of every member of the public who may frequent the Palace of Justice or its Courts and Offices, whether on business or pleasure.

#### SEPARATION AND ISOLATION ESSENTIAL TO CONCENTRATION.

Separation and isolation appear to me essential to the due development of the advantages of concentration, and without which the concentration itself will create inconveniences of daily recurrence, and constantly increasing magnitude. For instance, what estimate can we, at present, form of the amount of office



It will resort to this site between the hours of nine and twelve in the morning, or that will quit it between the hours of three and five in the afternoon; a traffic wholly independent of that passing across the site between the northern and southern, and the eastern and western parts of the Metropolis. Let any one having experience of the present state of obstruction in the great eastern and western arteries of the Metropolis, Holborn and Fleet-street, consider what would be the effect of the abolition of the traffic resorting to or quitting the Palace of Justice and other parts of the Law District during those hours. The concentration of the traffic of the Palace of Justice on the present thoroughfares would be an intolerable nuisance; an unjustifiable aggravation of present inconveniences; the more unjustifiable because the locality presents the means of obviating the evil. Further, practitioners located in the Temples, Gray's Inn, Bedford-row, Serjeants' Inn, and other contiguous places, require to be relieved from the perils of the passage across Fleet-street, Holborn, and Chancery-lane, and to have convenient access for themselves and persons entrusted with papers and valuable documents, without intermingling with the traffic of Fleet-street, Holborn, and Chancery-lane.

Lastly. The accesses between and within the Courts and Offices of Judicature, are of equal importance. Who has not suffered from the accesses of the Courts? Judges, officers, practitioners, suitors, jurors, witnesses, and the public are so involved with each other, that it is frequently impossible for any one to move without disturbing the whole Court; the retiring of one witness from and the introduction of another witness to the box frequently occasion great delay and derangement of the whole Court, and an amount of personal inconvenience little conducive to the calm state of mind or composure with which the witness ought to be introduced, while easy communication between the parties and their professional advisers, is in many cases physically impracticable. These, and other considerations, will be more properly dealt with hereafter, when treating of the internal arrangements of the Courts, and it will be sufficient to indicate

them here in connexion with the general question of the access and of that separation and isolation, by which the inconvenience of concentration may be avoided.

Protection to property and the advantages of an efficient control by the police, or other trustworthy persons, of the Palace Justice and its approaches, will be greatly facilitated by the isolation of such portions of the Law District as may not be required to be traversed *en route* for more distant places; inasmuch as the public may be excluded from those approaches at times when the Courts or Offices of Judicature are not open for the transaction of business.

The present state of the traffic of the Law District forces the subject imperatively on our consideration; but when we reflect how great will be the accession of persons to and within the district; that it will eventually attract not only the metropolitan practitioners and the agents of the country practitioners of the Law; that it will become the locality of a great body of other professional men, agents, surveyors, and others directly and indirectly connected with the landed property of the country, we may be able to appreciate the importance of the question of the suggested separation and isolation of traffic.

If separation and isolation even to a small extent be conducive to the full development of the advantages of concentration, and to the avoidance of disadvantages or inconveniences which that concentration may produce, their full attainment and the means by which relative retrogression may be avoided, and positive progression promoted to the utmost, must be well worthy of the attentive consideration of the members of this Association, and of all those who are directly or indirectly connected with the administration of the Law. It would be a mortifying reflection for members assembled at a future meeting of this Association to regret how little advantage had been taken of creating on this site a Palace of Justice having every appliance and convenience which forethought might have devised or suggested; how the tree here planted had been stunted in its growth for want of fostering care in those to whom its culture was entrusted.

## LIMITS OF THE LAW DISTRICT.

The Law District, of which the site occupies so central and commanding a position, may be considered as extending on the north to King's-road, on the south to the Thames, on the east to Fetter-lane, and on the west to Somerset House and Drury-lane. Within this district of about half a mile square, are now located the chambers of all barristers, the offices of two-thirds of the attorneys and solicitors practising in the Metropolis, and of the agents of nearly all the country attorneys, of the short-hand writers, and stationers, &c. Within the same district, and on its immediate confines, are the offices and places of business of a large number of law stationers, surveyors, land agents, and others more or less connected with the profession and practice of the law. The advantages and conveniences presented by the concentration of the Courts and Offices of Judicature, and the general attraction of the Palace of Justice, will have the gradual effect of drawing all persons connected with the administration of justice or of property, personal as well as real, to this district. The occupants of Doctors' Commons will, it may reasonably be expected, follow the wills, and become located in the district, of which the central portion will be occupied by the Palace of Justice.

On the confines of the district are located the railway termini; the London and North-Western, Great Northern, and the Midland on the north; the South-Western at Waterloo on the south; and the South-Eastern at Charing-cross on the west; the Metropolitan, and London Chatham and Dover, and Great Eastern in Farringdon-street on the east; while the Thames Embankment, with its low-level line of the Metropolitan Railway forming the southern boundary, brings the district into immediate connexion with the general railway system of the kingdom.

## SITUATION AND AREA OF SITE.

Within this district bounded on the north by Carey-street and Lincoln's Inn, on the south by the Strand and the Temples, on



the east by Bell-yard and Temple Bar, and on the west by New Inn and Clement's Inn, is the site on which the Palace of Justice is to be erected, and the Courts and Offices of Judicature are to be concentrated. Its clearance will be commenced forthwith; the approaches and appropriation of the site are the questions which the public and the profession are now most interested. The site, when cleared, will be found to be about 20 ft. higher on the north, or Carey-street, than on the south, or Strand side, and to have a gradual inclination from the north-east, at the corner of Bell-yard, towards the south-west, at the church of St. Clement's Danes—a circumstance not to be disregarded in considering the approaches to the palace, as it is from the south-west side alone that we must look for an approach terminating in the Palace of Justice, and presenting a coup d'œil worthy of the subject. Is it too much to hope and expect that this opportunity may not be lost, but that the fullest advantage may be taken of it—that the noble example of the Emperor of the French may be followed; that while the citizens of Paris rejoice in seeing their principal buildings placed at the end of newly-created and imposing thoroughfares, the citizens of London may not be denied a similar satisfaction. The approaches from the north and north-east, though capable of great improvement, cannot be adapted to an approach of the kind suggested, without an interference with a property already exclusively devoted to the profession, and extremely valuable—as, for instance, New Inn, the new Record Office, and Rolls House; Serjeants' Inn, the Law Institution, and other buildings in Chancery-lane. A good access to the Palace of Justice from the level of Chancery-lane for carriages, and over and under Chancery-lane for passengers, may be obtained; but a grand approach, such as may be presented on the south-west, is pecuniarily impracticable on the north-east side; and its attainment would render the street a great thoroughfare for traffic having no occasion to resort to the Palace of Justice. The difference of 20 ft. in the levels of the ground between the north and the south may be taken advantage of to afford an extra floor on the southern portion of the site and

aving of 20 ft. in the ascent to the principal story—the floor of the Great Hall of the Palace of Justice, from the northern and western side.

#### LEVEL OF THE SITE AND OF THE THAMES EMBANKMENT.

The relative levels of the site and of the Thames Embankment, present advantages not to be disregarded. The Strand at St. Clement's may be taken to be about 30 ft. above the level of the roadway of the Thames Embankment, below which, at a depth of say 20 ft., are the Metropolitan Railway and the Low Level Northern Sewer.

#### SUBWAYS UNDER THE STRAND, FLEET-STREET, AND HOLBORN.

Thus access may be obtained to the basement of the Palace of Justice, and, by an easy incline to the level of Carey-street, by a subway under the Strand in the neighbourhood of St. Clement's Church, and the traffic to and from the Palace of Justice may be separated and isolated from the traffic between the level of the Strand and other parts of the Metropolis. Thus the great stream of traffic using the Thames Embankment *en route* to or from other places than the Palace of Justice, and the traffic to and from the Palace of Justice, may be rendered independent the one of the other, and prevented obstructing the approaches to the Palace of Justice from the north-west, north, and north-east. Such approaches from the Thames Embankment may be connected with the approaches from the west and north on the western side of Lincoln's Inn-fields; from Covent-garden on the west, and Holborn on the north; they would remove one of the greatest plague-spots in the Metropolis, lead to the purification and improvement of the district of Clare-market, and the territory almost unknown, except by those who pass between Lincoln's Inn and the west, lying between Great Queen-street, Lincoln's Inn-fields, Drury-lane, and Clement's Inn.

Is it too much to express a hope in connexion with this part of the subject, that the southern and western approaches may be so arranged that the central tower or dome of the Great Hall,

and the southern and western façades of the Palace of Justice may be designed to arrest the view at the termination of approaches from the south-west, west, and north-west?—thus presenting a coup d'œil worthy of the Metropolis, and which cannot be presented on any other side.

#### APPROACHES FROM THE NORTH AND EAST.

Although the north, north-east, and east may not admit of approaches being formed of the same character as those on the south, south-west, and west just indicated, the convenience of the profession will be greatly promoted by an improved access to Lincoln's Inn-fields at the north-west and north-east corners, and by a subway under Holborn in the neighbourhood of Warwick court. Thus affording to Gray's Inn and Bedford-row the means of access to Lincoln's Inn and the Palace of Justice without passing the level of Holborn. Again, by subways under Chancery-lane and Fleet-street, at or about the levels of the floor of the Temple Church and Garden-court, the Temples and Serjeants' Inn may be placed in connexion with each other, with the new Recorder's Office, and with the Palace of Justice, without passing the level of Fleet-street; and the Temples may be further connected with the floor of the Great Hall of the Palace of Justice by an ornamental bridge over Fleet-street, at or about the level of the archway of Temple Bar, which might be made subservient to preserving the historic associations of that locality, and the municipal rights of the City of London, effecting, at the same time, a great metropolitan improvement. The new Temple Bar will thus become the eastern or City approach of the Palace of Justice, part of the site of which will be within the City; so that the Palace may be regarded as the connecting link between the east and the west between the ancient cities of London and Westminster; and the citizens of London, without any surrender or compromise of their ancient privileges and prerogatives, may aid in the concentrations of the Courts and Offices of Justice by facilitating the transfer of the sittings from Guildhall to the Palace of Justice. Thus the Palace of Justice will become a great metropolis.



etres, approached on all sides by approaches well adapted to the requirements of the public and the profession, inasmuch as the former, unless resorting thereto, will have no occasion to reverse or obstruct its approaches, and the latter will be able to pass to and from its Courts and Offices without interruption.

#### APPROPRIATION OF THE SITE.

The appropriation of the site must depend on various considerations, amongst which the area to be dealt with, and the requirements of the Courts, are the most prominent. The area of the site may be taken at  $7\frac{1}{2}$  acres. The difference of levels of Carey-street and the Strand, will give an extra floor of about one-half that area, without extra excavation. Let us start from the level of Fleet-street and the Strand, at the Temple Bar entrance to the Palace, and assume the basement of the building to be 20 feet below that level, or 10 feet above the level of the road of the Thames Embankment, or 30 feet above the level of the rails of the Metropolitan Railway, and of the low level sewer in that embankment. This basement of  $7\frac{1}{2}$  acres (without deducting the space necessary for areas for lights and passages), has been proposed to be appropriated to strong rooms, for the preservation of original wills and other documents of value. For the wills alone it has been said that upwards of 3 acres will be required. To this basement access may be had by subways under Fleet-street and Chancery-lane, so as to connect it at once with the Temple, Serjeants' Inn, the Rolls, and new Record Office. The basement will have a depth of about 40 feet next Carey-street, or on the north side, should it be thought expedient to carry it throughout at that level; and if Carey-street can be relieved from the through traffic by which it is now encumbered, by reason of the obstruction at Temple Bar, the arch of which is too low to permit the passage of the high loaded vans and waggons, a portion of that street may be made available to widen the area for the lights to the basement. The ground-floor of the Palace, or that on the level of Fleet-street, at Temple Bar, would be about 20 feet

below the level of Carey-street, and assigning 20 feet for height of the rooms of the ground story, and 20 feet for height of the next, we arrive at the level of the floor of the Great Hall, about 40 feet above Fleet-street, and 20 feet above Carey-street.

It will be convenient to take the level of the floor of the Great Central Hall of the Palace of Justice as the datum to which we refer the other floors and levels. The building below that floor, consisting of two stories above the level of Fleet-street, will present a magnificent façade towards the south, resembling the river façade of Somerset House, the site of which presents a difference of level similar to the site for the Palace of Justice. The level of the floor of the Great Hall will be attained from Fleet-street, north, or Carey-street, by an easy incline, or steps, rising through a height of 20 feet to a terrace on the west and south-west, on which the principal entrances to the Great Hall may be situated. The level of this Great Hall will, it is presumed, be the level of the floors of the Courts around, and at the back of which the Judges and the Officers can obtain the requisite accommodation.

#### ARRANGEMENT OF COURTS AND OFFICES ABOUT THE GREAT HALL.

In the arrangement of the Courts on the sides and at the ends of or around the Great Hall, the principles of separation and isolation are essential for the convenient and economical administration of justice. In this respect it may be well to imitate the arrangements of the new Assize Courts at Manchester, in which those principles are applied to the extent there required.

The precise arrangement of the Courts will be matter for detail for after consideration, but the general principles may be indicated.

For the purpose of illustrating the arrangement of the Courts and Offices, in connexion with the Great Hall, let us suppose a series of four concentric circles, the inner representing the Great Hall;—that in the space between the circumference of the first

and second circles are arranged the Courts and Offices immediately connected with them; that the space between the second and third circles is a passage or Corridor, for communication with the Courts and Offices arranged between the first and second circles; and that the Offices are located between the third and fourth circles. Access to the Courts will then be obtained from the Great Hall on the one side, and from the Corridor between the second and third circles. Access to and from the Great Hall, will of course be open to all, but access by the Corridor will be strictly confined to the judges, officers, jurors, professional men, witnesses, and parties actually engaged in the business of the Courts, or passing to and from the Offices located between the third and fourth circles.

Thus the general public and parties engaged, or whose attendance is necessary to the conduct and progress of the cause, may be separated and isolated from each other, but able to intermingle in the Great Hall, and entering and leaving the Courts by different routes.

The Courts and Offices immediately connected with the Courts as the retiring-rooms of the judges and the jury, will be arranged in the space between the first and second circles, each Court with the Offices immediately connected with it presenting substantially the same arrangement, but differing only in details according to the requirements of the business to which it is devoted. The interval between each Court, or each set of Courts, will be available for access between the Great Hall and the Great Corridor, by rising, as in the Courts at Manchester, to a level above the level of the floor of the Great Hall. This elevation, of say 4 ft., will give the means of access to the Bench and the retiring-rooms of the judge, and to the jury-box and retiring-rooms for the jury, while a descent of 4 ft. will give access to parties and witnesses engaged in the cause, and afford the means of separating the witnesses on either side from each other, in convenient waiting-rooms immediately accessible to the Court. This level of the floor of the judges' rooms, which may be conveniently designated the level of the Bench, forms



a most important feature in the new Courts at Manchester, and in the arrangements hereafter mentioned, especially in reference to the suggested entrances to the Courts. The indiscriminate manner in which the witnesses on either side are permitted to intermix, during the progress of a cause, with each other and the general public, and the difficulty with which they are introduced into, and withdrawn from, the witness-box, are serious defects in our administration of justice; and any scheme for the Courts in which this was not amply provided for, would be most seriously defective. It is of the greatest importance also, that the judges should be provided with accommodation wholly independent of the access of the public, and that their retiring-room should be convenient for communication with the judge. Thus the space in immediate connexion with each Court on the level of the Bench, and above and below that level, would be appropriated to the first claim to the judges, the jury, and the witnesses; the next claim would be consultation-rooms, and accommodation for counsel and attorneys, hereafter considered. The appropriation of the site between the third and fourth circles involves an accurate account of the Courts and Offices to be located, and of the accommodation required by the persons frequenting the Courts and Offices. Now it must be borne in mind that many of the Offices of Judicature are essentially Courts differing only in respect of the extent of accommodation required, and the class of persons to be accommodated. For instance, the Judge's Chambers, and the Offices of the Taxing Masters, are essentially Courts of smaller dimensions, and of more limited accommodation. It is part of the vice of our present system of judicature to treat these on a separate rather than on a united system; whereas those engaged in the discharge of similar duties, should be brought into close contiguity, but isolated, in the discharge of those duties, from the general public.

And it may be hoped that the arrangements of these and other offices in the new building may be such as to facilitate the fusion into one system of duties and businesses of a similar or cognate character; as, for instance, why should there be more than one

ice for issuing of writs, filing pleadings, and recording judgments?—departments of the administration of justice a consolidation and concentration of which for the several courts of equity and of common law respectively, would materially conduce to the saving of time in the conduct of a large business. Without proper offices such consolidation and concentration is impossible; and it appears well worthy of consideration to what extent this part of our present system may be altered and improved, and what arrangements are necessary for or conducive to that object.

The Offices of the Masters of the several Courts should be in immediate connexion with and contiguous to the several Courts, and it may be sufficient to have indicated and illustrated by imaginary circles, situations suitable for their location on the level of the Great Hall and Courts, while the floors immediately below that level will afford space for the Writ and Record Offices, with convenient accesses to the Offices of the Masters of the respective Courts. The contiguity of the several Writ, Record, and Judgment Offices to the Masters or the Courts is of less importance than bringing them all into as close contiguity as possible with each other, with the view of a general consolidation and concentration of such offices for all the Courts.

It will conduce to the illustration of this part of the subject to consider the progress of a suit in equity, or an action at law, from its commencement to its close. The first and last stages, being independent of the intermediate stages, requiring the machinery of the Courts and Masters' Offices, do not require immediate contiguity thereto; but inasmuch as they involve similar duties, usually discharged by the same persons, the economy of time and labour requires that they should be in close proximity and contiguity with each other.

Looking forward as I do to a proper arrangement of such offices as conducive to that economic administration of justice in which the loss of a day in any of the Offices is just as much a loss to the suitor as the loss of a day in the Courts, the full consideration of this subject appears of the greatest importance in reference

to the arrangement of the Palace of Justice. Every practitioner is aware that the time spent in Court is a very small portion of the life of a suit—that such time is a very insignificant portion of its whole existence; that the work for the Court has to be prepared for it and worked out in the Offices, and that the concentration of such offices is the saving the time of the solicitor and his clerks and, ultimately, the money of the suitor, whose great gain, however, from such concentration must be looked for in the increased expedition with which he attains his object, namely, after getting in, to get out of Court as quickly as possible.

#### CONSULTATION-ROOMS AND ACCOMMODATION FOR COUNSEL AND SOLICITORS.

The judges, officers, jurors, and witnesses having accommodation provided for them in immediate or convenient contiguity to the Court, the requirements of the professional men must not be overlooked. A limited number of consultation-rooms, say two at the least, in connexion with each Court, is indispensable. Supposing these to be placed between each set of Courts, in connexion with the accesses between the Great Hall and the Great Corridor, that is, in the space between the first and second circle, already referred to for illustration, they will be in a convenient position for communication with the rooms of the solicitors and the robing-rooms of counsel, across or on the farther side of the Great Corridor.

The propinquity of the chambers of counsel to, and the isolated communications or approaches which are proposed between the Inns of Court and the Palace of Justice, will diminish the inconvenience at present existing as regards consultation and render other consultation-rooms than those in immediate connexion with each Court, of less consequence than may present appear.

Robing-rooms and lavatories of limited extent should also be provided near each set of Courts, rather than on an extended scale at some remote part of the building; and such an allocation of robing-rooms will have the further advantage of en-



ing counsel and their clerks to be found when in attendance at the Courts, with much greater facility than can otherwise be done.

Additional consultation or robing-rooms may, if required, be provided on the upper floors, between each set of Courts, or on the floor above the level of the top of the Courts, which, it is assumed, will be lighted and ventilated from above. On these upper floors may be placed a general Library, which should be open to all professional men. The Library of each Court will, as at present, supply the books for ordinary use in the Court; but the judges and the profession should have the opportunity of procuring from the Library, for use in Court, books not contained in the Library of the respective Courts. This general Library should be of a very comprehensive character, and the rooms in connexion with it should be furnished with every convenience for reading, writing, and consultation, at certain fixed charges for counsel or attorneys; the consultation-rooms in immediate connexion with the Court being at the command of the leading counsel attending the Court, and devoted to business upon which the Court is usually, or about to be, engaged. The contiguity of these consultation-rooms to the waiting-rooms of the attorneys and witnesses will be a convenience and comfort to the profession, which those who have had experience of the present wretched condition of those who are engaged on a jury trial alone can fully appreciate. On these upper floors should be provided rooms for arbitration, the result of which would probably be the first step towards the establishment of an order of approved arbitrators employed exclusively in business of that nature, and towards the reform of what must be regarded as one of the great defects of our administrative justice, namely, the manner in which arbitrations are at present necessarily conducted. The want of a convenient place in which arbitrations can be held, contiguous to the Courts and the places in which counsel are usually employed, lies at the root of all is one cause of the well-founded complaints against the present system. The system of arbitration has, by the course of recent legislation and practice, and from the necessity of the

case, become part of our system of judicature, and ought to find an appropriate home in the Palace of Justice.

Nor can I forbear expressing a hope that the law reporters and short-hand writers may be provided with the accommodation and conveniences their peculiar labours require; and that as the proposed New Law Reports will give us one complete and comprehensive system of reports, of an authority not to be doubted the time is not far distant when we may have the transcript of the notes of one short-hand writer practising one authorised system of short-hand, instead of two or three sets of notes of one and the same proceedings.

The security which such a system would afford is immeasurably beyond that at present existing, and, by a proper division of labour, the transcript of the notes might be ready within a short period of their being taken, and during the progress of the very cause to which they relate; indeed, looking to what is done in the daily press, in reporting parliamentary proceedings, I see no reason why the proceedings of the day should not be printed and in the hands of the parties the evening of each day, so as to admit of any necessary correction when the matters are fresh in the recollection of all parties. It is high time that the present system was reformed, and a better system adopted, and I think the short-hand writers and reporters may reasonably expect some selected corner in the new Palace of Justice.

Upon the subject of refreshment-rooms, lavatories, and other conveniences it will be unnecessary here to enter, beyond remarking that these should be of the most ample description both in the lower and upper floors of the building, those in the former being appropriated to the public generally in connexion with the Great Hall, and the latter to the professional men and parties having access to the Library, arbitration and other rooms on that floor. And in connexion with the general convenience of all parties, let me express a hope that ample provision may be made for a system of lifts, worked by hydraulic pressure, the range of each lift being confined to the distance between two levels only, so as to prevent the possibility of mistake or accident.

the fullest advantage may be taken of the most improved system of telegraphy for communicating throughout the Palace, that no great or comprehensive system of warming or ventilation, by the injection or withdrawal of air by mechanical means, be attempted; but, that warned by the experience and consequences of such attempts, the warming and ventilation of each division or section of the building may be self-contained, and dependent on its own fires and furnaces, with the aid of coils of iron pipes, in which the water circulates freely, according to the system of Perkins, now so extensively introduced, whereby heat may be transferred by the continuous motion of water to any required spot, so as to afford the required warmth there without attendant disadvantages or inconveniences.

#### INTERNAL ARRANGEMENT OF THE COURTS.

The construction and internal arrangement of the Courts would appear to have received little consideration, many being most inconveniently large or small, and none presenting that separation and isolation, by which the convenient administration of justice may be so much facilitated. In many the position of the witness here is so inconvenient as to lead to its abandonment, and to placing the witness in some new position more convenient to the judge and jury and counsel, but most inconvenient to the witness. The inconvenience of ingress and egress, and the manner in which all parties are intermixed with each other and with the public, is matter of universal complaint whenever circumstances of interest give rise to a crowded court.

As to the relative position of the judge with a jury-box on either side of the Court, arranged with three seats holding four each, and of the counsel, no exception can be taken. The great defect is in the position of the witness-box, and the difficulty of ingress and egress for the witnesses, professional men, and others necessary for the progress of the cause. Accommodation for clerks, men in waiting, for students, short-hand writers, and reporters must form an essential part of the arrangement. The witness under examination naturally turns to the counsel by



whom he is examined; the reply to the question will be naturally addressed to the same counsel, and consequently, according to the arrangements adopted in many of the Courts, from the judge and jury, by both of whom the witness should be heard and seen. The witness, if placed near to, and a little below and to the right hand of the judge (assuming the jury to be on the left of the judge), that is on the opposite side of the judge from the jury, will speak across the judge, be seen by the jury, and be heard equally by the jury and examining counsel, from whom he will be about equally distant. The position of the witness-box in the Courts of Queen's Bench, Common Pleas, and Exchequer, is an illustration of this; but the witness might with advantage be nearer the judge than in any of those cases. If the witness be placed between the judge and jury, his back will generally be turned on one or the other, and he will sometimes get engaged in conversation with some of the jury, a most objectionable and inconvenient practice. None of these Courts present convenient or isolated ingress or egress for the witness who must struggle and be intermixed with the general crowd with whom he is intermixed both before and after his examination. Nor are the jurors, counsel, attorneys, or parties any better off, as the experience of those attending the Courts at Westminster, and other Courts in the Metropolis, will affirm.

This may be wholly avoided by a passage under or on either side of the seat of the judge. Assume the floor of the judge's bench to be four feet above the level of the floor of the Court, by steps descending to a level of four feet below the floor of the Court, ingress and egress may be obtained under the bench, in communication effected with suitable separate waiting-rooms in which the witnesses of either party, prior to their examination, may be kept together, ready to be called as required. The witnesses, after examination, may be permitted to pass into the Court by a passage under the upper seat of either jury-box, and intermix with the general crowd. This ingress and egress under the floor of the bench may also be made available for counsel, attorneys,

other parties immediately engaged in the cause. The floor of the Court between the bar and the bench would afford (the jury-box by which it is usually encumbered being removed) ample space for short-hand writers and reporters, with seats and all desks under the jury-box; the centre part being kept clear for ingress and egress and the exhibition of models and plans, in the introduction and exhibition of which great inconvenience is frequently experienced. The seats reserved for students might be immediately behind the bar, the access to the first and second row of bar-seats being from the floor of the court under the bench, and to the third and other rows at each end next the jury-boxes by passages under the upper seat of the jury-boxes, direct into the Great Hall; the seats for the public being placed at either angle, with entrances only from the Great Hall. Thus the angles of the rectangular courts would be utilised, the hearing improved; and I would suggest whether the shape of the courts should not be rectangular and hexagonal in all cases; the part occupied by the bench and jury-boxes being triangular, and the other part three sides of a hexagon. The seats for the Bar and the public should be slightly raised, so that every person may be able to see and hear without difficulty; or unless this be the case, it is almost hopeless to attempt to preserve the quiet of the Court.

By the proposed arrangement, all internal passages in which persons may stand and talk would be avoided, and free and independent ingress and egress would be secured to and from the Court, never crowded. In the new Assize Courts at Manchester this principle of independent access is partly adopted; there is access under the bench to rooms at a lower level, and to passages under the jury-box to other parts of the court; but the separate and isolated entrances and exits for the parties and the public, so contended for, are not perfectly carried out. Here, however, we have the first step to a more perfect system, and one which I believe, met with unqualified approval. I had the opportunity, last assizes, of going over these courts with the architect,

Mr. Waterhouse, and several members of the Manchester L Committee, who have made a recent report, substantially in accordance with the suggestions now made.

The Courts to be provided may be ranged in two classes regards size and accommodation, according as they are adapted for trial by jury or not.

The Courts of the Lord Chancellor, the Lords Justices, Master of the Rolls, and the Vice-Chancellors will not require the same extent of accommodation as the Common Law Courts. They are less frequented by the public, and the business does not attract so many persons, and from the contiguity of chambers in Lincoln's Inn of the practising counsel will, it is conceived, be located on the north or Carey-street side. For similar reason the Courts of Common Law will, it is conceived, be placed on the south or Strand side; and, from the greater number of these Courts, it having been proposed to assign three to each and the greater extent of accommodation required, advantage may be taken of the additional floor which the fall of the ground will afford on the Strand side throughout half the whole area of the building. Let us suppose the Exchequer Chamber, Queen's Bench, the Exchequer and the Common Pleas to require nine Courts in all; there will then remain the Court of Probate and Divorce and the Court of Admiralty—thus making, with the six Equity Courts, eighteen Courts to be arranged around Great Hall. Each set of Courts—as, for instance, the three Courts of Queen's Bench—will require its rooms for the judges and officers of the Court, for the jury, for consultation, for the solicitors, witnesses, and parties to the cause. In immediate or connexion with these, in the space designated for illustration that between the third and fourth circle, on the farther side of the Great Corridor, will be the Offices of the Masters of the several Courts, the staircases leading to the arbitration, reading, and refreshment rooms on the floor above the level of the Great Hall. Thus each set of Courts and Offices may be considered as self-contained, the Great Hall and Great Corridor being the means of communicating with each and every part of the Palace.



so to speak, of each Court or of any one set of Courts and offices having been settled, their collocation is only a question of space.

The details of the accommodation required by the judges and officers of the Courts, will be made the subject of consideration and representation by persons the most interested and competent to express an opinion, and the results will be presented in so many specific feet for each Court, to be dealt with by the architect. But the conveniences of the jury, the witnesses, the professional men, the public, and their requirements, are without proper or adequate representation. Little consideration has been bestowed on their requirements hitherto, and their wants are but imperfectly known, or little regarded. To look after and regard them I conceive, a most legitimate object for this Society, which has the further mission to take care of the requirements of those who have no other representative, and to see that the means, in the cause of which so many of our greatest men have laboured, should not be impaired by neglect of due administration, or disregard of what may contribute to the convenience of every branch of the profession or the public.

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#### DISCUSSION.

The meeting was attended by Mr. Hume, Taxing Master of the Court of Chancery; Mr. P. W. Rogers, Registrar of the Court of Chancery; Mr. William Strickland Cookson, members of the Royal Commission; Mr. Williams, Secretary of the Incorporated Law Society; Mr. Edwin Fildes, the Secretary to the Commission; and Mr. Waterhouse, the architect of the new Courts at Manchester.

Mr. WATERHOUSE wished to know why Mr. Webster thought the library should be on the upper floor.

Mr. WEBSTER did not know where else to put it. It must be a large library of reference, having communication with a number of rooms. Each Court would have a special library of reference. But the general library must be a large one, and, therefore, out of the way.

Mr. BEGGS observed, that Mr. Webster's valuable paper would have been made still more valuable if illustrated by a plan. The Bar would be set to the convenience of the internal arrangements. It was, however, of great importance to see that the external and architectural arrangements were carried out properly.

The CHAIRMAN suggested that it would be of great service if Webster could sketch a plan of his proposed approaches for a further discussion of the paper.

Mr. H. G. ALLEN said that it would be advisable to refer the paper to a committee appointed for the purpose of considering the question so that it might lay its suggestions before the Commission.

Mr. ARTHUR WILLIAMS, the Honorary Secretary to the Department, explained that the Department had that evening appointed such a committee.

Mr. EDWARD LAWRENCE said the Bench and the Bar always took care of themselves. There was not a Court in the kingdom, except that at Manchester, which afforded any fair accommodation for solicitors, their clients or their witnesses, or for jurors; and such a defect was a grave obstruction of public justice. He objected to devote much space to the mere curiosity of the public. The object should be to provide ample accommodation for those who have legitimate business there, and for them only.

Mr. HUME, one of the Royal Commissioners, had heard the paper with great interest. It was full of valuable practical suggestions, which would be of great service to the Commission.

Mr. HASTINGS moved, That the paper be printed and circulated; that copies be sent to each of the Commissioners; and that it be referred to the committee appointed by the Department to make suggestions on the subject to the Royal Commission.

The motion was seconded by Mr. Field.

The CHAIRMAN said it was important, in considering the details, that we should look forward to a time when there would be a fusion of law and equity. The point of the wedge had been put in, and all arrangements should be made with the view of an ultimate assimilation of practice in all the Courts.

Mr. WILLIAM STRICKLAND COOKSON, one of the Royal Commissioners, said, they were very much indebted to Mr. Webster for his paper. It had drawn the attention of the Commissioners to objects which demanded the greatest care and consideration of all interested in the question. It had touched upon almost every subject with which it was desirable the public and profession should concern itself. The convenience of the public would not be at all affected injuriously by the erection of the new Courts. On the contrary, it would relieve the general traffic, if the approaches were laid out on some such plan as Mr. Webster proposed. If the new Courts were not carried out in accordance with the views and convenience of the public, it would be the fault of the public alone; for he could safely say that the Commissioners were quite willing to adopt any suggestion that was consistent with the public interest.

Mr. EDWIN FIELD, Secretary to the Commission, said that Mr. Webster had dealt with the question in the way in which the Commission had thought it their duty to deal with it. The subject was of the utmost importance. It would relieve the general traffic, if carried out in such a way as to prevent its being used by others than those who were really bound to attend the Law Courts.

The general public should only be provided with accommodation so far as they were *bonâ fide* actors on the Law stage. Those who came there only to idle their time, or from simple curiosity, should not be afforded any inducement to come. The Commissioners had quite resolved to adopt this principle. Indeed, the Commissioners had more or less decided to follow very much the plan advocated by Mr. Webster. They had particularly decided that the accesses should be made so as to be exclusively accesses to the Courts, and not thoroughfares. The way was on the point of being cleared. The great difficulty was to adjust the proper collocation of the Courts and their Offices. The Middle Temple have a scheme of great importance. They propose to obtain, by parliamentary powers of purchase, the east side of the Strand, up to Essex-street. This site they would devote to widening the Strand, and erecting a range of fine chambers upon a level with the proposed new Courts, with a handsome range of shops on the ground floor. Such a scheme, if properly carried out, would be a magnificent architectural effort, and would open up a striking approach from the Thames Embankment.

Mr. SNELL, on behalf of the reporters, thanked Mr. Webster for his suggestions in favour of the proper accommodation of the reporters. An Institute of Short-hand Writers had just been formed, and he would be happy to be the medium of communicating any suggestions from that body.

After some explanatory observations from Mr. Webster, the motion was put and carried, and the Department adjourned to Monday, December 11th, at Eight o'clock.

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*Tribunals of Commerce, or Courts of Arbitration.*

*By H. J. LEPPOC.*

THE principle upon which Tribunals of Commerce should ever be based ought to be, "to have justice promptly, cheaply, and simply administered, and by competent judges." It is interesting to notice that in this, as in many other questions of general polity, ancient Greece and Rome have set us the example. In Athens there were particular magistrates for deciding upon commercial differences; they went on board the ships to settle maritime disputes; and, in order that the interests of merchants might not suffer from delay, they were required to give their decisions with the utmost promptitude. In Rome we find judges for every profession, whose judgments had also to be given without the least delay, and were considered final, no appeal being permitted.

But it will be more interesting, and to our purpose, to inquire how far the necessity for special commercial jurisdiction has been felt by modern nations. Throughout the whole of the great commercial republics of Italy, and in some as early as the seventh century, consular jurisdiction was established; and wherever their trade extended, similar courts were instituted.

In France, Francis II. granted to the merchants of Paris, in the year 1560, arbitrators in commercial disputes; and in 1563 a Tribunal of Commerce, consisting of one judge and four consuls, was formally instituted there. This institution has continued with but little interruption to our day, but with constantly improved legislation and organisation. It has gradually spread over all the other commercial centres, supplemented by the "conseils des Prud'hommes," for deciding differences between masters and their workmen. In the decree of 1563, for instituting these courts, the special duties of the judges are laid

down with admirable appreciation of the true points at issue. They are said to be : "L'abréviation des procès et des différends entre marchands, qui doivent négocier ensemble de bonne foi, sans être astreints aux subtilités des ordonnances."\*

The present Code de Commerce and Tribunals of Commerce date from 1807. The last additions to the former were made in 1857 and 1863.

It is stated that Henry VII. appointed special judges for commercial disputes in England; but I have not been able to find out when they ceased, nor any sure trace of their existence.

In the Hanse Towns, they date back to the year 1447. At Nürnberg such a court was established in 1621; at Bolsano in 1630. Even the imperial legislation of Germany in 1654 and 1668 calls upon the German princes and commercial cities for the establishment of such tribunals.

In the Rhine Provinces of Germany, where the French Code has remained in force, they have existed for more than fifty years upon the same footing as in France; and since the promulgation of a new "Code of Commerce" in Prussia, their establishment throughout the whole of Prussia is certain.

They exist further in Belgium, Italy, Spain, Portugal, the Brazils, Russia, Austria, Bavaria, Brunswick, Saxony, Wurtemberg, and Denmark. In Holland they existed from 1807 to 1815, whilst under French rule; but, with the violent reaction which took place at that time against everything French, they were swept away, with other valuable institutions, such as trial by jury, &c.

Commercial Tribunals should be based (as I have already stated), and are so more or less in all countries where they are established, upon three principles :

1. Judges should be experienced in commercial matters
2. Prompt, simple, and inexpensive procedure.
3. Rapid execution of the judgments.

\* Shortening of lawsuits and differences between merchants trading in good faith without being subjected to the subtleties of the law.



Now, in all these respects the proceedings in this country are greatly deficient.

1. Decisions are generally given by persons who are absolutely unqualified for the duty.
2. The expenses which attend legal proceedings, as at present conducted, are enormous, and the procedure is complicated in the highest degree.
3. A long period must necessarily elapse between the commencement and termination of an action.

As regards the first objection—the inability of our present courts to deal properly and justly with commercial questions—I may here quote the remarkable words of the present Lord Chief Justice in confirmation of the view, that a knowledge of the science of the law alone is insufficient for the judging of commercial suits, and that they should be tried by men well versed in the practice of business, conversant with commercial language and usages, and the varied nature of business operations. In delivering judgment at Westminster Hall, on Friday, the 9th June, in the case of *Adamson v. Duncan*, the Lord Chief Justice remarks:—"Generally speaking, the ambiguous language of mercantile documents makes them so doubtful that it would perhaps be better if they were referred to a mercantile tribunal; no doubt they are very intelligible to mercantile men, but to lawyers they are full of ambiguities." Such being the deliberately expressed opinion of one of our highest legal authorities as to the special difficulties which often belong to commercial questions, it may be imagined that other persons, with much less general abilities, must be still less qualified to form a correct judgment in such matters. And yet the true nature of commercial contracts is well described in the preliminary report or preamble of the Code de Commerce of France. It is there stated, "Commercial agreements or contracts are almost all confined within simple rules, easily known; good faith is presupposed in them all, and this ought to be their basis. It is, therefore, to this fundamental principle that everything ought to

be referred, and in commercial transactions, the truth once be known, the decision rarely presents any real difficulties."

But it is notorious that, in our courts of law, not only common but special juries have given decisions utterly at variance with the true facts of the case, and opposed to justice. The reasons for this lie on the surface. Instead of the case being presented over and directed by judges who by long daily experience have practically learnt all the peculiarities of trade, and who would naturally be guided by the desire to fit their conceptions of commercial questions, and, consequently, their judgments to the nature and requirements of trade, they will, as lawyers, subordinate it to legal forms, with which alone they are familiar; and with these forms all parties concerned in the management of the case will have to comply. Thus the case becomes so overladen with legal forms and difficulties, that the advantages of a special jury, supposed to contain men competent to deal with the special subjects under consideration, are often lost.

The forced unanimity of juries may be cited as another not unfrequent cause of the failure of justice. Gentlemen who are served on juries well know how difficult it is to find twelve men agreeing to the same award, and how often this leads to wrong verdicts being given; or, owing to the persistent opposition of one man, who, from obstinacy or some other cause, will not agree with the others, the jury has to be discharged without coming to a verdict, all expenses being lost, and the case has to be brought on again at the next assizes.

It is a common experience that, in courts where lawyers and merchants are co-judges, it has seemed inconceivable to the merchant why his legal brother should have to refer for the solution of the simplest questions to the Pandects, as it has appeared to the lawyer the extreme of rashness for the merchant to decide the same question simply according to the plain meaning of the

\* The difficulties which some judges frequently experience in grappling with commercial questions, and which appear to them often so complicated, is further proved by their frequently proposing their being left to reference; but unfortunately here, again, the referee chosen by the judge is invariably a lawyer, whereas, in my opinion, a layman would be more competent.

use, or that he should even find the question so simple. Amusing instances of this might be quoted.

A distinguished lawyer in Germany bears the following important testimony to the manner in which justice is administered in the French Commercial Tribunals (consisting exclusively of merchants, with the exception of the Registrar). "The commercial judges," he says, "seem to be guided in their calling by a sentiment of fairness and honesty which seldom leads them astray. Chicanery is hateful to them; and the injury that would accrue to any merchant making use of it, in the eyes of his fellow-merchants, forms an effective bar against it. Even the lawyers, who, under the title of 'agr  s,' practise in these courts, are soon obliged to forego their usual practices, and early strive to adopt the 'usus fori,' or spirit of the court; for it is soon made clear to them that honest, straightforward weapons are the only ones that the court will allow."

It is almost unnecessary to point out that the usages of trade are constantly being developed by the wants and the experience of trade, which has an ever-progressive and varying life of its own; they never arise as a theoretic consequence of written law. Regardless of the stagnation of legislation, new ideas of right are formed, known under the designation of "Customs of Trade." To these every one in commercial intercourse with others must conform. Only those who have, as it were, watched the birth and progress of these ideas can give a true account of them: only those who have to suffer from paralysing forms will know how to oppose and counteract them. One circumstance seems alone sufficient to decide the question both as to the special and general competency of Commercial Tribunals, even when composed of commercial judges. The annual reports upon the administration of justice in France show that proportionally fewer verdicts of the Tribunals of Commerce are set aside or annulled by the Courts of Appeal than of the ordinary Civil Courts.

As to the second objection—the complication and consequent enormous expenses of legal processes—it is a matter of equal



notoriety, that, even in the simplest commercial cases, the cost that have to be paid by the successful suitor (over and above those known as "taxed costs of court," and paid by the loser are often so large as to equal, and even sometimes to exceed, in amount, the sum in dispute.

In confirmation of this many cases might be cited. I will quote one of recent occurrence, that of *Turner v. Morris*:

The amount claimed was . . . .	£151
The verdict for the plaintiff . . . .	131
Plaintiff's <i>taxed</i> costs were . . . .	£151
Defendant's costs . . . .	130
	<hr/>
	£281

or nearly double the amount claimed.

This in all cases where it is simply a money difference (which happens in the great majority of cases of commercial litigation) is virtually a denial of justice—a barren victory gained at the expense of much risk and anxiety, and which the slightest mishap or failure with legal compliances might have changed into defeat, with all its disastrous consequences. Hence it happens that many a man, with both law and equity on his side, with an honest and clear case, refrains from taking it to court, or, preferring to get something rather than less than nothing, he foregoes a part of his claim by reducing it below fifty pounds, so as to bring it within the jurisdiction of a County Court, where the expenses are at least somewhat in proportion to the amount in litigation, and the procedure marked by greater simplicity and despatch.

Most of the costs that are not recoverable by the successful suitor, it must be remembered, are necessarily incurred before the case is tried, and before the line of defence adopted by the other side is known.

Should the opponent contrive to get the law on his side, through some technical oversight or through some dexterity in use of the "Statute of Frauds," law prevails at the expense of equity and justice, and possibly at a ruinous cost to the party

we had really the right on his side. The views here expressed have been confirmed in a marked manner, in a case that occurred on the 11th of August, this year, at Manchester Assizes, *v.*, "Noble *v.* Ward and others." The counsel for the defence having stated that there was no case to go to the jury, pleading the "Statute of Frauds," the presiding judge (Judge Bramwell), after remarking that he finds himself compelled to accept the plea, makes use of the following remarkable words: "One cannot but regret that it should be so, and cannot but help feeling—and I have said so before, I said so generally in the Report of the Commission on the Amendment of the Mercantile Law—that this Act of Parliament really is a snare upon people. I do not suppose that one man in a thousand knows that he cannot vary a contract of this description in the way it has been done without the necessity of having it renewed in writing. I suppose that people never will be taught that 'Statute of Frauds.' It is a most unfortunate Act of Parliament. It has been laboriously disregarded by everybody since it was passed in this particular; and the consequence is that people make this mistake." That a great magistrate should from the judgment-seat pronounce a law, which should be a protection, "a snare to the people," is probably the most crushing condemnation that any law has ever received.

The feeling of bitterness which must be engendered from sending yourself compelled, from motives of prudence, to forego the most equitable claims, or, perhaps, still more, when, after having submitted your case to a legal decision, you find that from incompetence in the legal tribunal you lose your case, and are saddled with heavy expenses, ought to have some weight in the consideration of this subject.

And who can doubt that the "glorious uncertainty of the law," so much increased in commercial litigation by the special cases already referred to, is a great temptation to dishonest men either to refuse just claims or to make unjust ones, in the hope that the other party may prefer to submit to an injustice, with illegal expenses added to it?—for such would probably be his

fate if he either prosecuted or defended his case in a court of law. The case would be far different if he knew that the question had to be submitted to a court consisting of his fellow merchants, freed from all legal and technical difficulties and quibbles, and where the decision would be based upon the simple principle of good faith.

As to the third point, "rapid execution of the judgments in a cause of action arising upon the termination of one assize, even several weeks before, cannot now be tried until the next assize—a period of several months; and, as the court is constituted, the cost in time required in attending it, until the trial comes off, is sometimes very great to both parties; for the most trivial and unimportant matters may occupy whole days, to the postponement of suits that may be of almost national importance: or, still worse, if the business of the assize is greater than can be got through in the time which the judges have at their disposal, it may be made "a remanet," and thrown over to the next assize, with renewed and increasing costs.

It may be objected that many of these remarks apply to the general improvement in the administration of justice in this country. Be it so; still it is undeniable that in commercial litigations these evils often are much aggravated by the incompetence of the judges; and the "protecting forms," as they are called, are far less necessary from the general simplicity of the points in dispute. And allow me to observe here, that it would be no small benefit which might very possibly collaterally arise out of the establishment of Tribunals of Commerce, and influence the whole future course of judicature in this country if they made clear to the English people that justice could be satisfactorily administered, even in the most important cases in a simple and straightforward manner, and without incurring ruinous costs in time and money.

It may well excite the astonishment of all men who have paid any attention to this subject, either Englishmen or foreigners, that the greatest trading nation in the world should be content to endure grievances such as I have rather under than over-



stated. In a correspondence upon this subject with a French merchant of high position and experience, occur the following remarks. Speaking of Tribunals of Commerce and Conseils de Prud'hommes, he says: "In these two kinds of tribunals you perceive that all parties are judged by their peers, and I cannot understand how this circumstance alone should not have caused these institutions to be established in England long ago, where the people are accustomed to transact their own affairs, and where the practical spirit is so developed."

In this astonishment I have long shared, and there can be no question that the only effective remedy for the evils stated would be the establishment by law of Tribunals of Commerce, or Courts of Arbitration, similar to those so long established in other countries, and upon the effective working of which there is at one universal voice. On this latter point the French correspondent already quoted observes:

All disputes between merchants are very quickly disposed of, and in a practical manner and at a very small cost, by these courts. The 'Code of Commerce,' which is very simple and very clear, has to be followed by them; and equity is the foundation of all the judgments in which the text of the law should be found insufficient. The tribunal endeavours, above all things, to be a means of conciliation wherever it is possible to do so."

German legal correspondent remarks upon the same subject: "The composition and dealings of this court (Hamburg) have proved most efficient, and are greatly valued; so that in a Congress of Jurists from all parts of Germany, held last year, amongst many proposals this one was declared to be the best."

In a very able pamphlet upon the same subject, an eminent German lawyer bears the following tribute to these courts:

"Wherever Tribunals of Commerce exist, the most honourable testimony is borne to them both by jurists and merchants. Everywhere they are preserved with the most jealous care. Throughout Germany, although the agitation for their establishment began with merchants, they soon found their most energetic and able allies in the legal profession. It may now be

stated, as an undoubted fact, that nearly every jurist who takes an interest in the progress and advancement of legislation is in favour of such institutions."

But in order to give effect to such a desirable arrangement in this country, not only is the sanction of the Legislature required, but, what would be still more difficult to obtain, important alterations would have to be made in the existing laws; these will probably for years be upheld by interested parties. All the influence and weight of the commercial classes, and of their representatives, the Chambers of Commerce, will have to be brought to bear upon the Government and the Parliament in favour of the establishment of such tribunals; and I trust their efforts will never cease until this object is accomplished.

Knowing, however, how slow such matters move in this country, I would propose that the members of the different Chambers of Commerce throughout the kingdom should, in the mean time, unite in establishing Courts of Arbitration for deciding upon all commercial disputes; the judges to be elected by and from the members of the respective Chambers. These seem to constitute the fairest and readiest present constituency for such a purpose.

The directors of the Chambers should form provisional committees for carrying out the plan. Lists should be printed calling on the members of the Chamber, and sent to each member, with a request to nominate from such list the necessary number of judges. This number would probably vary in different localities.

In Manchester, for example, I would propose to select six experienced merchants; four to make a quorum for constituting a court, such court to be held once a week. Each court to elect a chairman from its own number: attendance would then be required only once a month from each judge. An attendance once a month cannot be considered very onerous; and if the performance of this duty is made to confer honourable distinction, as it would be certain to do, few, if any, will be found to refuse it,

It might be further necessary for the whole of the judges to

point a registrar or clerk, to be a lawyer, and, of course, paid. A small fee would, no doubt, be sufficient to pay this and all other expenses of the court. It seems that, even in places where Tribunals of Commerce exist, voluntary Arbitration Courts are found useful. Thus in Hamburg they exist in several branches of business. In the corn-trade, for instance, all differences as regards quality and weight are settled by arbitrators, chosen from the corn-brokers. All corn-contracts generally contain clauses by which the parties agree to submit their differences to these arbitrators. Such clauses are also frequently inserted in partnership-deeds. In the latter case, each party names an arbitrator, who appoint an umpire; if the parties cannot agree about the umpire, it is generally agreed for the President of the Tribunal of Commerce to select one. Where the case is submitted to arbitration, the decision is generally, by agreement, considered final.

In other towns, in Germany especially, where there are no legally constituted Tribunals of Commerce, Courts of Arbitration exist, and are found highly useful; but throughout Germany, as I have already stated, efforts are now being made to establish legally constituted Tribunals of Commerce: their utility is universally acknowledged. The only difference in Germany at present is, whether these courts should be constituted entirely of commercial judges, as in France and the Rhine Provinces, or whether the legal element, in the person of the president, for instance, should be introduced into them, as in Hamburg and Denmark.

Amongst merchants the preponderating opinion is in favour of the former; and even amongst jurists the opinion is greatly divided, though so far, I believe, a large majority is in favour of the latter. In Denmark, most causes have to be submitted to some amiable arrangement by arbitration before they can be brought before the Tribunal of Commerce. There can be no doubt that, in their earliest beginnings, Tribunals of Commerce were not legally instituted courts, but freely chosen voluntary associations which subsequently received legal sanction.



The use of the Arbitration Courts I propose will, of course be optional so long as they are not sanctioned by law. Men who are dissatisfied with their decisions, as well as those who will not avail themselves of their advantages, will still have the option of using the present courts, with all their expensive, dilatory, and too often, in commercial cases, ignorant proceedings; but I feel the strongest confidence that they will, except in rare cases, be resorted to, after the courts I propose have been a short time in active operation.

It is painful to find the high example of England, along with that of Holland (the two most commercial countries in Europe), brought forward on their side by the few opponents of the new courts on the Continent. Holland, especially, has been a favourite subject, as having once possessed and then abandoned them. I have already stated the chief reason for this change in that country. It was a French institution, and it was hated because it was French. But it will probably not be long possible to quote the example of Holland against these courts. On the 7th April, 1865, the Industrial Union of the Netherlands, a society consisting of the most respectable and influential merchants and manufacturers of Holland, petitioned the Government for the re-establishment of Tribunals of Commerce on the French system.

The voluntary courts I propose will also, I trust, be the first step in this country in the same direction. I am not recommending a slavish imitation of the institutions of any other country; but it is surely the province of true wisdom not to disdain the experience of other countries, but to profit by what they have proved to be good and wise, and adapt it to their circumstances of one's own country.

In matters of free-trade, England has set the world a example of sound commercial legislation, and one that is being followed, surely, if not rapidly, by most nations, greatly to their benefit; it, therefore, can well afford to learn some minor matters from them.

## DISCUSSION.

Third Meeting of the Department of Jurisprudence and Amendment of the Law, Monday, December the 18th, 1865. The Right Honourable LORD BROUGHAM in the Chair.

The minutes of the previous meeting were read and signed as correct. On the reading of the foregoing paper by Mr. Leppoc :

The Hon. GEORGE DENMAN, Q.C., said the meeting was much indebted to Mr. Leppoc for his paper. He (Mr. Denman) had taken a great interest in the matter, and had brought in a bill sent up by the Newcastle Chamber of Commerce last session, which, though crude, he had dealt with one portion of the subject in such a way as would raise discussion. It excited great interest amongst commercial circles. It dealt only with disputes relating to merchant shipping. The whole subject was too large for any private member to deal with successfully, and it was considered that asking for little would lead to the concession of valuable reform. It was proposed that a tribunal should be constituted in all the leading sea-port towns, to be composed of a County Court judge and four commercial men as assessors, all having equal judicial functions, and the President a casting-vote. In these courts all disputes relating to shipping would be triable, with an appellate jurisdiction above 50*l*. The grievance complained of in Mr. Leppoc's paper was, indeed, common to all disputes, commercial and shipping. He instanced an important case tried by consent before an able County Court judge. He gave it his best attention. He decided in favour of the defendant, to the astonishment of both parties, on grounds never raised by the defendant and never thought of by the plaintiff. He was, however, bound by the rule of positive law ; and this raises a great difficulty. Lawyers do not understand commercial language. On the other hand, merchants and traders do not understand the rules of legal construction. With this difficulty before them, the Merchant Shipping Disputes Bill was framed, so as to have a legal as well as a mercantile judicial element. He felt that the subject was full of practical difficulties. In shipping cases, however, he knew from experience that the harshness of the existing procedure was deemed to be intolerable, and should, if possible, be dealt with at once, either by the appointment of a committee or commission to report upon the subject, or by the Government in the shape of legislation. No broad and comprehensive measure can be carried but by the hands of the Government, though he thought that the discussion of the subject in all its bearings was of great importance, inasmuch as it was not right that a complaint so generally made by such a body should be left unanswered and without inquiry.

Mr. F. HILL said : It appears to me that the difficulties and drawbacks so forcibly depicted by the last speaker, as appertaining to the establishment of Tribunals of Commerce, outweigh all the advantages. How would it be possible to define a commercial suit ? And how numerous the cases which are partly commercial and partly non-commercial ! Again, if the principle be sound as respects commerce, it must be sound

also as regards many other matters. If a judge in commercial questions ought to be a merchant, a judge in medical matters should be a physician, in chemical subjects a chemist, in manufacturing questions a manufacturer, and so on *ad infinitum*. Thus we should have an endless number of separate courts, each with a weak staff of officers; otherwise the expense would be enormous, and all with clashing authority; whereas, the efforts of this Society, as in the case of the artificial distinction between law and equity, have been directed to the fusion of matters hitherto kept separate, and to the bringing of all kinds of complaints into the same court. Many of the evils pointed out in the paper we have heard with regard to the administration of the law which relates to commerce, such as the great delay in many cases and the great expense, are equally applicable to other matters besides commerce, and of its desire to effect a general and not merely a special improvement in these particulars this Society has given good proof; but the measure recommended by Mr. Leppoc, instead of diminishing these evils, would, in my opinion, greatly increase them. The true solution of the difficulty is, I hold, the one adverted to by Mr. Leppoc and Mr. Denman, namely, arbitration. Merchants and all others who may be dissatisfied with the ordinary Court of Justice, can, by means of arbitration, constitute a court of their own wherein the judges may all be merchants or persons possessing other special knowledge. In the many contracts entered into by the department of Government with which I am connected—the India Office—a reference to arbitration is almost always made in case of dispute; but it is seldom that the person chosen as umpire is one having special knowledge in the matter—not unfrequently, indeed, he is a lawyer.

Dr. PANKHURST contended that the assertion of Mr. Leppoc, that the judicial decisions of the ordinary tribunals were defective by reason of want of acquaintance on the part of the judges with commercial operations, could not be sustained. Those decisions, though expensive and attended with delay, were, as a rule, quite satisfactory. The grievances, real and vexatious, of delay and expense could be redressed without adopting the system advocated by Mr. Leppoc. While the substantive law, establishing the rights of the community, was in general of a satisfactory character, the procedure by which those rights were supported and vindicated greatly needed simplification. The already large though confessedly not sufficiently used powers of arbitration should be extended. But an amendment most important and most required was an ampler provision for the local administration of justice. He admitted that some of the suggestions of Mr. Leppoc were excellent, and that the machinery of arbitration on the basis of voluntary submission would prove advantageous to commercial ends. But, with regard to most of the grievances set forth by Mr. Leppoc, his plan, he apprehended, would be least capable of application where most needed.

Mr. NEWMARCH, F.R.S., supported the views expressed in the paper. He considered that a good practical case had been established for instituting Tribunals of Commerce. The mischief of the present system



that merchants were compelled to place themselves entirely in the hands of legal practitioners, who of course treated each case *secundum m.* A tribunal, capable of deciding and "conciliating" quickly in mercantile disputes, would stop at the outset a large class of cases which now ran into fierce litigation. He considered that the instance cited by Mr. Denman was most decisive. He had had, formerly, considerable experience as manager of one of the largest insurance offices. He only went into court twice; and, if he could have his own way, he would, under similar circumstances, not go into court at all. He recalled Mr. Leppoc's suggestion for the immediate establishment of tribunals in connexion with Chambers of Commerce as the best practical step as a commencement. If these *quasi*-Tribunals answered, they would lay a good foundation for positive legislation.

Mr. HASTINGS, with reference to the 17th section of the Statute of Frauds, which had been so justly denounced by Mr. Leppoc, said that this was one of the instances which showed that obstruction to law reform did not always rest with the lawyers. The subject had been long before the Law Amendment Society, a paper setting forth the objections to that section having been read by himself in the year 1855. Its abolition was recommended by the Royal Commission for the Assimilation of Commercial Law, and also by the Mercantile Law Conference of 1871. Nor was Baron Bramwell, whose forcible opinion had been quoted by Mr. Leppoc, the first or only judge who had borne testimony against its enactment. The late Lord Campbell had spoken most strongly to the bench, saying that he sat in court to administer justice, but day by day he saw justice defeated through the operation of the 17th section of the Statute of Frauds. Well, the Government brought a bill for the repeal, among other purposes, of this section; and what was the result? Why, the merchants of London raised such an agitation that the proposed enactment had to be abandoned. Mr. Baring made a strong speech against it, and one leading member declared that the Government were attempting to sap the security of commercial contracts. So it was the merchants, and not the lawyers, who were the enemies of preventing that improvement in the law—a fact which should be borne in mind when complaints were made, as they justly might, of the frequent denial of justice in commercial cases through legal technicalities. He quite agreed with Mr. Leppoc that some more satisfactory mode of adjusting mercantile disputes than that now afforded by the law ought to be provided. He had pointed out to the Society at their preceding meeting, that the want might be met in a way probably satisfactory by the reconstitution of local courts, with sufficient powers, in the great centres of population and industry. The judges of such courts might sit with two mercantile assessors, when required, instead of a jury, and thus constitute an efficient Tribunal of Commerce. The difficulty with regard to voluntary associations, like Chambers of Commerce, was that they could have no compulsory jurisdiction, and, consequently, that their decisions could only be binding by consent of the parties. But this would give no remedy in the cases which required it most, those, namely, in which there was no real defence, but every opportunity taken for evasion and delay. As the law stands, when both

parties are willing, they can have recourse to arbitration: what was wanted is a Tribunal that will bind the unwilling party. The truth of this was shown by the result of the enactment which permitted cases to any amount to be tried by consent in the County Courts, and which was nearly inoperative. [Lord BROUGHAM: Of course, when parties must consent to a jurisdiction before action brought, one will always refuse to assent to any proposal coming from the other. I have always advocated that a plaintiff should be able to bring an action to any amount in the County Court, whether the defendant consents or no; and that such action should be removable to a Superior Court by judge's order, on cause shown to that effect.] He (Lord Hastings) believed that, for the same reason, no voluntary jurisdiction in mercantile cases would be found to answer. But be that as it might, and be the remedies suggested by merchants feasible or otherwise, he was convinced that a real and substantial grievance did exist, and ought to be dealt with by the legislature.

Mr. EDGAR was entirely in favour of the voluntary system, as great difficulties would arise from giving a compulsory jurisdiction to the proposed Tribunals. He thought that a committee of a Chamber of Commerce, acting as a Court of Arbitration or Conciliation, would exercise such an influence on commercial men that no one of any character would refuse to submit a dispute to them; and that a reference to them would become the habitual mode of settling differences of a mercantile nature, except where some really important question of law arose on which it was desired to have the judgment of a Superior Court. It might be proper, also, to extend the provisions of the Common Law Procedure Act, 1854, and give to the judges a discretionary power to order any matter in dispute involving mercantile usage or the construction of mercantile documents to such a committee. With respect to compulsory jurisdiction, it would be necessary, if it were adopted, to confine strictly what were mercantile questions. Cases of marine insurance would clearly be such; but what was to be said of life-insurance or re-insurance? So of bills of exchange, and many other contracts. Where were you to draw the line? But, supposing this difficulty overcome, you must, under a compulsory system, have a lawyer of the highest ability and experience to sit as assessor. And where was he to be found and how was he to be paid? Then you must have counsel to argue questions of law, for this was clearly involved in making the jurisdiction compulsory; and this, he need scarcely say, implied some considerable expense. Lastly, you must, under such a system, have an appeal to the Courts at Westminster, as it would be impossible to conclude a unwilling party by the judgment of such a tribunal, as had been proposed. In the end, therefore, the expense and delay would probably be as great as at present. The merchants of England doubtless had a grievance; but he thought the remedy lay in their own hands, by adopting the course which he proposed.

Mr. GAINSFORD BRUCE said that this was a question of principle, and not merely a question of procedure. It was a mistake to suppose that agitation on this matter arose simply from the desire of the mercantile classes to lessen the cost of litigation. Newcastle had been



mentioned by Mr. Denman. There existed in Newcastle a Local Court of Record, the jurisdiction of which was unlimited as to amount, and if the object of the merchants there was to establish a cheap and speedy mode of procedure, they might avail themselves of the instrumentality of that Court. The instance Mr. Denman had given of the ground on which the merchants rested their complaint showed very clearly what was meant to be accomplished by the establishment of Tribunals of Commerce. A written agreement had been submitted to a learned judge for his decision. No complaint whatever had been made as to the competency of the judge, nor did it appear that his decision was incorrect, but it gave dissatisfaction to the parties, and the reason of their dissatisfaction appears to have been that the judge applied the ordinary principles of construction to the instrument. Now mercantile men wished to have mercantile contracts construed in their own way. They desired to exempt themselves from the ordinary operation of law, and to throw off the maxims of jurisprudence which were acted upon by the ordinary tribunals of the country. The Tribunals of Commerce were to administer a new kind of law, so that there should be one law for the merchant and another law for the rest of the community. The object of all the rules laid down by law for the construction of contracts was simply to ascertain the intention of the parties, and no system could be more elastic than the system of interpretation adopted in our Courts of Justice. But mercantile men wished to be bound by no system, and they wished to have the power of construing contracts, not according to the intention of the parties, but according to any principles that in any particular case might seem right or expedient. Now, if Tribunals possessing authoritative power of this kind were to be established in the country, it was easy to see what confusion would arise. Whatever some might think, all who had studied any system of jurisprudence must admit the importance of preserving a regular system of law. It was impossible to administer justice without rules, and it occasioned less public inconvenience that in some exceptional instances injustice should be done, than that the rules laid down for the administration of justice should be departed from. If it were to come to pass that in mercantile cases the administration of justice should depend simply upon the sagacity of the persons who might happen to preside in Tribunals of Commerce, the greatest confusion would ensue. If, however, it was intended simply to give to the Tribunals power to adjudicate on cases referred to them by consent, the serious objections could not be brought against them. It had been said by one of the advocates of these Tribunals, who had just spoken, that no doubt there would be a great deal of bad law administered there. But if people chose to consent to bad law, why should they be hindered? In many mercantile cases promptitude was of the greatest importance, and men would often rather take the risk of an indifferent decision to-day than wait three months for a satisfactory judgment. There could be no reason why these Tribunals should not decide all disputes that the parties agreed to submit to them. Indeed, it was difficult to see that any special measure was necessary for that purpose. As the law now stood, any dispute might be referred to the



arbitration of any private person, who might decide the case as thought right; and the law afforded means for enforcing his decision. At present, cases were sometimes referred to mercantile men, and cases were not oftener referred to them, it was because the parties found such a course unsafe and unsatisfactory. It very often occasioned great expense and embarrassment. He would give an instance of what he meant—an instance which some of the mercantile men at present must think almost incredible, but the case to which he was about to allude was reported in the *Law Journal*, and reference could be made to it (*in re Brooke*, 33 L. J., C. P. 246). In that case a dispute had been referred to two arbitrators, to be settled by arbitration in London in the usual way. They were unable to agree, and appointed an umpire. The umpire decided the case without giving the party against whom he decided an opportunity of being heard. Now it might seem sufficiently extraordinary that the umpire should have acted in this way; but what followed was more extraordinary still. A number of affidavits were actually filed, in which several merchants of the city of London stated that the umpire had acted according to *usual and ordinary practice in such cases*.

Mr. ROBERT WILSON: I think, my lord, that before we separate somebody ought to say a word on behalf of the existing administration of the law. It seems to have been assumed by all parties to this discussion that our Courts are obstructed by numberless forms maintained for the benefit of the lawyers; whereas in truth the best legal intelligentsia of the country have been employed for the last twenty years and more in removing all useless forms. The real grievance seems to me to be that we have only fifteen judges to do the work of five-and-twenty. As to the construction of mercantile instruments, the law tries to have effect to them according to their meaning; and if they are so worded as to be unintelligible, the parties may thank themselves for their legal expenses. I will merely add that the example of the Mercantile Court at Newcastle—which was successful till its own popularity destroyed it, by bringing in bad judges, as we learn from the paper read by Mr. J. H. at Sheffield—shows that Mercantile Courts, so far as they are needed, can be established efficiently without legislation.

Mr. HASTINGS moved “that the thanks of the Department be given to Mr. Leppoc for his paper, that the paper be printed and circulated and be referred to the Standing Committee, together with the Mercantile Shipping Disputes Bill of last session, with directions that they should report thereon to the Department.”

The motion was seconded by Mr. A. J. WILLIAMS.

After some remarks from Mr. JENCKEN and Mr. LEPPOC,

Lord BROUGHAM said he felt the great difficulty which attended the question, and the constitution of independent Courts for the trial of commercial disputes.

The motion was carried unanimously.

The Department then adjourned to Monday, the 15th of January next, at eight o'clock.

*Home Accommodation of the People in relation to their Domestic and Social Condition, with Practical Suggestions as to the further development of Freehold Land Societies and Building Societies.\** By THOMAS BEGGS, F.S.S.

THE means of improving the condition of the industrial classes is the great social problem of the day. Notwithstanding progress of Great Britain during the last twenty-five years—progress which is without precedent in our own history and un surpassed by that of any nation in the Old World—the majority of those who live by wages do not participate in a fair degree in the prosperity to which their skill and labour have so largely contributed. How is this? We must ascertain the cause before we can apply the remedy. Professor Phillips, in his address at Birmingham, said, “*Be sure of your facts.*” It is just as necessary that this admonition should be observed by the inquirer in the field of Social Science as by the student in any branch of the physical and inductive sciences.

It is not the purpose of this essay to explore all the causes of our social and moral ills, but to invite attention to one of the most influential in the production of disease and pauperism—namely, the dwellings of the labouring classes and the insufficiency of home accommodation. The questions will naturally arise—What ought to be done, and what can be done to remove the evils which are increasing rather than diminishing in the midst of boundless commercial enterprise and an almost fabulous accumulation of wealth?

Firstly, then, what is the state of our population? Is it incorrect to say that a large and important class do not advance with the general progress? The statistics of pauperism may be taken always as an index to the general condition. Pauperism may not have increased in the same ratio as the population, but it has

\* Read January 22, 1866.

not decreased in proportion to the national prosperity. In 1841 the total number of persons receiving relief at one time in England and Wales was 1,079,382 being 5.3 of the whole population and the cost of that relief was 6,527,036*l*. The numbers in 1842 show a considerable reduction, the whole being 64,404 less than the preceding year. With this decrease on the whole there is an increase in some districts, and it is a significant fact that the metropolis of England is one of the places where the increase is most marked. No nation can be really prosperous with such a mass of pauperism. It may at first sight appear that the question of pauperism is distinct from that of the condition of independent labourers, but they both belong to the same general question. The pauper class is not cut off from that above it by any defined line of demarcation. The domain of pauperism presents a wide frontier, extending and gradually losing itself among the working classes, and this frontier is peopled by the indigent—those reduced by sickness, improvidence, or intemperance, to an almost helpless condition. This class stands tottering on the verge, and very few of those who sink into pauperism ever emerge from it. There seems, under the present condition of society, a tendency in large masses to gravitate downwards to the lowest condition—that of subsistence maintained by public or private charity—while the inclination in the opposite direction is so feeble, and has to encounter so much resistance, that an ascent is rarely accomplished, even if it be attempted. Many of our criminals, and almost all the petty depraved, come from this class. How, then, are the numbers to be diminished? It is clear that they could not be kept up if left to their own powers of reproduction. The poor are in themselves prolific. They have no foresight, and entertain little hope or care for the future. They rush into marriage at an early age, or the same consequences follow without marriage; and they are found in the most neglected neighbourhoods crowds of sickly precocious children, ready victims for any raging epidemic, and if they escape the scythe of death, growing up to people our work-houses and prisons with as much certainty as corn is grown to



eaten ; generation follows generation with the most frightful  
 idity, and, unless there were countervailing checks, society  
 ould be overrun by the offspring of its outcast classes. Nature  
 vides the checks. Typhus and diseases of a kindred class  
 ke fearful ravages among them ; and besides this there is  
 operation of a divine law which forbids the perpetuation of a  
 e of beings degenerated so much below a healthy standard of  
 manity. If we could trace the history of particular families,  
 ould find that the majority of them become extinct in four  
 five generations.

It is clear that the pauper classes are supplied not so much from  
 within themselves, as from without. How are we to cut off the  
 supplies ? Those who are already fallen it is an almost hopeless  
 task to raise up ; but it is in our power to do much to save those  
 who are in danger of falling. I speak, of course, of the class,  
 and not of the exceptions. The whole case may be stated in a  
 few words. Pauperism and crime depend for their growth upon  
 certain conditions. Can we alter or modify these conditions so  
 as to arrest the growth of an evil which is less oppressive in its  
 money-cost than mischievous in its moral effects ?

It is a matter of familiar knowledge that a large amount of  
 crime, pauperism, and crime arises from the bad sanitary condition  
 of our towns and villages, and to the insufficiency and defects of  
 the accommodation for the working classes. The home has  
 very much to do with the manners, the habits, and morals of the  
 people. Where the decencies of life cannot be preserved, the  
 moralities are impossible. The crowding together in rooms,  
 without proper separation of age or sex, is wholly incompatible  
 with feelings of self-respect or regard for family obligations.  
 This evil is more manifest in large towns, but it is not confined  
 to them ; it extends to our villages and hamlets. Misled and  
 dazzled by our gigantic improvements, we are neglecting the  
 condition of those who form a vital part of the life of the nation.  
 It is a serious question whether our civilisation is not crushing  
 down those who have least power to help themselves—whether,  
 in fact, a certain class are not impoverished by the very means

which improve the other classes above them. Certain it is that in the metropolis, in many districts, the condition of things is quite as bad, if not worse, than when the cholera was last among us. In the immediate neighbourhood of railway-stations, stately warehouses, and palatial hotels, may be found abodes of squalor, fever-nests, and pauper-breeding dens of vice and misery, from the contemplation of which the mind shrinks aghast. While we nurse a high-sounding and pretentious philanthropy, we allow a state of things to exist that would disgrace a heathen clime. Men, women, and children are living the life of savages in the midst of civilised beings. I cannot enter upon details, but the reports of our medical officers will amply bear out all the statements I have made. This overcrowding—which has been of late years so much aggravated by the displacement of the poor classes to make way for modern improvements—is now loudly complained of. It is true that we have Acts of Parliament under the provisions of which certain things may be done by local authorities. To put these Acts in force would be an act of cruelty. It would be simply chasing the poor from place to place and increase the hardships of their lot. District would be against district, and what one gained would be at the expense of another. It would be a war in which all parties would be losers. No expedient will remedy this evil; it must be met by bold and honest and direct treatment.

The fact is now forced upon us that there is a great deficiency of home accommodation throughout the land. That which exists is generally of a very inferior kind, but, bad as it is, there is something enough. I have said that the evil is increasing. The population from the rural districts flock to the manufacturing towns. The tendency of agricultural improvements is to reduce the amount of manual labour, and therefore the large towns, besides their own proper increase, attract the labourers from the out-districts. The last census shows that many towns have doubled, some tripled, and some quadrupled, within the present century. A calm survey of the facts will instruct us as to what is required to be done, and there will be no great difficulty in devising the

do it. Legislation can do much, but more can be done by people themselves. The province of Government in all such cases is that of removing obstacles out of the way. Give a fair field and freedom of action, and there need be no fear but that the requirements of the case will shortly be met. Lord Stanley, at a meeting in Lancashire, gave eloquent expression to a wish that every workman should become possessed of a freehold house. The machinery by which this can be obtained has been long in operation, and many thousands of freeholds have been created by it, and I seek now to improve the means by which that machinery can be further developed.

Freehold land and building societies are the growth of the last twenty years. It may be useful to look back at their origin, and need it is a matter of historical interest and importance. An imperfectly-systematised method of creating forty-shilling freeholds had been adopted by the Anti-Corn-Law League. It is the oldest form of franchise in this country, and in one case 5000 freeholds had been created to return Lord Morpeth for the West Riding in 1843. Very shortly after the dissolution of the League, Mr. James Taylor, of Birmingham, established a freehold society in that town. This was done for a political purpose, and, about the same time, under the auspices of Mr. Cobden, the National Freehold Land Society was commenced. These societies were enrolled under the Benefit Building Societies' Act, and, although accepting the name prescribed by the Act, they had not power to purchase land nor to build houses. A building society, therefore, was nothing more than a *mutual savings-bank and loan society*. The object was, by receiving monthly or weekly subscriptions from the members, and lending it as the means accumulated, to enable those members to become possessed of freehold building allotments. The preference was disposed of by rotation, competition, or purchase; but more generally by lot, each member having the right to dispose of his preference to any other member. The freehold land societies, as I have said, had no power themselves to buy or sell land, but this was accomplished for the societies by persons outside. The estates



were bought *for* them, and not *by* them. In the case of the National Freehold Land Society—I take this society as an illustration because of my connexion with it—the estates were bought in the names of two gentlemen, who were not members, and held their name until they were subdivided, sold, and reconveyed to the purchasers. This shows how frail an Act of Parliament becomes when it stands in the way of great and rising interest among the people. Notwithstanding some difficulties, arising mainly from the state of the law, of which I have given one example, the societies progressed and multiplied, and wherever there was honest and anything like prudent management, they prospered. In a very short time the political object was lost sight of, and working men and the smallest class of tradesmen embraced them for the social advantages they held out. It is estimated that not less than 12,000,000*l.* of money are at this time invested in these societies. About two-thirds of this will be the contributions of the working classes, very much of which has been saved from the channels of waste.

In 1856, the National Freehold Land Society made a advance in their mode of action. They found that the principle of having the land bought outside was very unsatisfactory and unsafe. It threw an enormous responsibility upon the gentlemen in whose names the estates were bought, while the large bulk of the members for whose benefit the societies existed had scarcely any responsibility, inasmuch as by the rules any member could withdraw the amounts paid in, upon giving a notice of not less than twenty-eight days, at any time. The trustees might, therefore, under the pressure of a panic, or from some of the disturbances to which our commercial system is always liable, be left with a large amount of unsold land, and sustain heavy loss by having to force sales at a period of depression; and such an event would have the effect not only of embarrassing the operations of one particular society but would throw discredit upon all similar institutions. In the year 1856, the National Freehold Land Society had led to the value of 750,017*l.* purchased for them; they had led to

the amount of 456,789*l.*, and therefore had on hand land to the value of 293,228*l.* It will be seen that there was sufficient ground for anxiety. In that year an application was made by the National Freehold Land Society to the Board of Trade, and it was mainly through their exertions that the Act known as Mr. Lowe's Act—the 18th and 19th Victoria—was obtained, and powers obtained under it by deed of settlement to establish the British Land Company, and this was the first company in this country that had the power to buy and sell land as a matter of trade. This is of course a limited liability company, and most of the shares were taken up by the members of the Freehold Land Society. The company and the society work in harmony, but are distinct. The Freehold Land Society adheres to its legitimate business—that of receiving deposits and lending money; the British Land Company purchases estates, makes roads, executes works of drainage, and such other works as may be necessary to make them eligible for building sites. It is not necessary that a person should be a shareholder in order to be able to purchase. As soon as the estates are ready they are offered to public competition, and the purchaser may obtain money on loan from the National Freehold Land Society to pay the purchase-money, the society simply retaining the *conveyance* on mortgage. The profits of the British Land Company are made out of the difference between the wholesale price at which they purchase, and the retail price they obtain for it; and the profits allow them to pay 15 per cent. dividend, and the shares are selling at about 75 per cent. premium. The National Freehold Land Society makes advances to the purchasers at the rate of 5 per cent. on the land so purchased, 6 per cent. upon freehold buildings, and 7 per cent. upon leasehold land or buildings. It allows upon deposits 5 per cent. interest, and last year distributed a bonus, in addition, of 1 per cent. I may observe that both company and society conduct their business on strict commercial principles—not a particle of philanthropy is mixed up with the conduct of either.

I wish to direct attention to the advantages of these institutions

to a working man. In a savings-bank he obtains  $2\frac{1}{2}$  to  $2\frac{3}{4}$  per cent. for his money. In a building society he can obtain 5 per cent., and, if he be careful in his selection, with equally good security. In the second place, he can have nearly all the advantages that the merchant or trader obtains from a bank, and do not see why banking facilities should not exist for the poor as well as for the rich; and in the third place, he is able at any time to employ the deposits in the purchase of a piece of land. He is not left in the dark in nothing. He has an opportunity of selecting from every estate that is bought, at a fixed price marked upon the plan. He knows on what terms he can obtain the loan, and he knows also that he is put in possession of a safe title, and that he has nothing to pay for searches, this all having been done by the society when the estate was first purchased. The sum charged by the solicitors of the British Land Company for a conveyance is 1*l.* 10*s.*, to which has to be added the duty.

Under such arrangements and conditions, the British Land Company, including the land bought and sold by the Freehold Land Society, previous to the formation of the former, has sold land to the value of 1,246,234*l.*; and it holds land to the value of 249,700*l.* The number of estates bought has been 219, comprising 6492 acres, and making 97,380 allotments. As in many cases more than one allotment would be taken by one purchaser, I compute that the National Freehold Land Society, and the British Land Company together, have created from 45,000 to 50,000 proprietors. I do not speak of the importance of this in creating votes, but for the social advantages, and it is impossible to overrate them.

The Conservative Land Society have bought 66 estates, containing together 620 acres, and making 4842 allotments; the total amount of deposits received by them being 394,966*l.*

The Temperance Building Society, which has confined its operations almost exclusively to lending money upon land or buildings, have lent alone 550,000*l.* I take these new instances to show the magnitude of the operations of this class of institutions, and I hope to be able by the time this paper is published,



to give a table, showing the total number of freehold and building societies, with at any rate an approximate result of their operations.

Now I believe that here is the power, in an advanced stage of development, that will meet to a large extent, the evil of defective dwellings and overcrowding in our large cities. These societies have originated among the people, and to a considerable extent have been supported, and in some degree, have been managed by them. They have secured the confidence of the working classes, a confidence which is gaining strength year by year. There are two ways of helping the working classes—the one is to provide all sorts of excellent things, according to our own notions of what is good for them; this plan does not bring much better fruits than chagrin and disappointment to those who devise the plans, and to those who are expected to accept them. The other plan is to stimulate them to exertions for their own improvement. This does succeed; and freehold land societies are a success, because they have attempted this and no more. They point out the way by which the working man can help himself. They greatly aid the man who is disposed to make the best of circumstances, and incur sacrifices for the attainment of a better position in society, but they do not assist the man who does nothing to help himself.

I wish to see the principle more extensively applied, so as to meet the evils sanitary and social to which I have referred, and I insist that these societies promise more to that end than any other scheme that has hitherto been devised. It is quite clear that benevolent individuals, or philanthropic associations will never be able to provide sufficient home-accommodation for all who require it, even if it was wise to rely upon such exertions as private benevolence may originate. I speak, of course, more particularly of London, but I believe it applies to all large towns. Investments in this kind of property are not attractive to the private speculator. So far as building operations are concerned when we are in London, the suburbs are filling with what Mr. Ruskin calls “ghastly houses.” Leasehold houses are generally built

upon leasehold land, and the tendency is to carry a system of scamping through the whole operations. The interest of the builder is temporary and not permanent.

As a corrective to this and many other evils springing from it I wish to give facilities to all classes to become proprietors of their own houses, having the house and the land upon which it stands in one freehold. I most ardently desire to see every honest and independent workman, able to point to his own house and say, This is mine. I know of no better basis upon which to rest our hopes and our plans for the future ; but in order to assist these societies in their progress, we require some alterations in the law, which I will now endeavour to point out. I do not propose to enter into details, but simply to glance at the principal objections to the full development of freehold land societies.

In the first place, I am not satisfied with the hoarding up of the land of the country in the hands of a few proprietors, especially in and around towns and cities. It will follow under any system that land must increase in value in this country where the population is already more dense than that of any nation in Europe except perhaps Belgium, and where it is rapidly increasing. While this increase is going on the land cannot increase, and it is doubtful whether the quantity of land brought into cultivation—allowing also for superior cultivation—will do more than compensate for that which is taken from us for the purposes of railways and public and private works, and the proper enlargement of towns. But under the present system, the price of land is raised to an artificial height, and even at that price is often unattainable. In fact, a monopoly is created—a monopoly most injurious to our social interests—and one that is perpetual from generation to generation. All monopolies are objectionable, but none can be so much so as that which interferes with the proper extension of our towns, and the construction of suitable dwellings for the inhabitants. I seek, therefore, an alteration in the law so that land, under certain conditions, may be taken for the extensions of towns and villages. In special cases, powers can now be obtained by railway and public companies to negotiate for land

required for the construction or extension of works; but these powers have in each case to be obtained by private bill, a somewhat tedious and expensive process. In other cases, municipal bodies have, under the provisions of local Acts, the power to take and pull down houses for public purposes, such as making new thoroughfares, and widening the old ones. Such a power is vested in the hands of the Metropolitan Board. In fact, under the combined operation of the Metropolis Management Amendment Act of 1862, and an Act called Michael Angelo Taylor's Act, the Vestries and District Boards of the Metropolis have power of acquiring land by compulsory sale. Such power, however, is limited to works of public improvement, such as preserving or making open spaces, making streets, and so on. An extension of this power is wanted, so that land might be taken for the purposes of building within, and to a certain distance around, a seat of population. We require, in fact, a general Act, or permissive bill, which any municipality or local authority might adopt and put in force, under the Board of Trade, the Home Office, or any court appointed by the Act itself, properly represented in Parliament, by which they could take land for extensions of buildings, or for new buildings anywhere within the jurisdiction of any local Acts which empower them to pave, light, or drain. I do not propose that any corporation should have the power to build houses, but the effect I apprehend would be this: that any freehold land society, or other associated body, or, in fact, any individual, could, by the instrumentality of the corporation, in which body they are represented, and who is best able to decide upon the eligibility of plans submitted to them, obtain sites for building purposes, such buildings would come legitimately under the government of the corporation of that town or district for all sanitary and public purposes. I want, in a word, the same facilities to be given to a freehold land society, as is now given to a railway, but that the power should rest with some properly constituted authority, and not require an application in every instance for a private bill.

Each bill should stipulate that all houses built under its pro-



visions should be freehold ; and also, that they should come under the general management of the corporation for all general purposes of town improvements.

Such bill should also give to the same authority the power to enforce the enfranchisement of leaseholds, where such would be required for buildings, or extensions of towns. There is a power now of enfranchising copyholds. I seek that it should be extended to leaseholds.

The bill should provide for such purposes an easy and economical mode of transfer, to supersede the present cumbrous, tedious, and expensive mode of conveyancing. Lord Westbury's Act has done very much to enable the vendor and purchaser of land to disentangle complicated interests. If a freehold land society purchases after an investigation under that Act, they become possessed of an indefeasible title ; why should each purchaser of an allotment have to meet the expense of a conveyance even at the greatly reduced price of 30s. ? If I purchase share to the extent of 20,000*l.* in a banking or railway company, the transfer is made by a certificate the size of a sheet of letter paper. Why, if I wish to sell or buy a house of the value of 200*l.*, should any other form of conveyance be required ? The substitution of a simple certificate for the conveyance would be a great advantage in the operations of freehold land societies.

It has been suggested to me that the bill should make provision so that the Scotch system could be made applicable to England, and enable a person to become freehold proprietor of a flat or floor of a building. I believe some objections have been raised to this on sanitary grounds, inasmuch as for any improvement necessitated negotiations with several proprietors instead of one. I think that a few simple arrangements might be made to overcome a difficulty of this kind, and no doubt such a provision would be useful in London. The valuable work carried on by the Society for the Improvement of the Dwellings of the Labouring Classes would be greatly enhanced if they could lay down regulations by which their tenants could become proprietors.

I purposely abstain from entering in all the details of a measure

that would meet the requirements of the case ; these I shall  
 ure and lay before the Jurisprudence Department during the  
 sing winter.

I have sketched out the central principle, and, I trust, suffi-  
 rly to secure immediate consideration and discussion. What  
 aimed at is clear enough—that of opening a way for every  
 man to become proprietor of his own house—to make the  
 rr and tenant into one person. I wish to destroy the mise-  
 o system of subleasing, and to put the speculator out of the  
 met, by placing in competition with him the man who will  
 content with nothing less than a freehold house to live in. It  
 ul open a perfectly fair field for legitimate private enterprise,  
 d/or co-operative exertion on the part of the working classes.  
 I seek no disruption of social bonds, make no revolutionary at-  
 upon the rights of private property—I seek that which will  
 progress more general and satisfactory, and give a greater  
 rity to property by giving every man an interest in its preser-  
 in.

The immediate effects of such legislation would be that of  
 rig increased vigour and activity to freehold land and build-  
 g societies, and call new ones into existence. The increasing  
 metition might have the tendency to advance the price of  
 ac but it would bring much of it that is now locked up into the  
 met. It would have a tendency to lower the rents, as well as  
 improve the condition of existing houses. It would force pre-  
 nt owners to improvement ; it would fill up unoccupied spaces  
 d enlarge the building area of our towns, and make use of that  
 ic is now partially and unprofitably covered ; but it would do  
 n thing more.

An opinion prevails among many who have given the best at-  
 tention to the subject that in our large towns, but more especially  
 London, an effort should be made to carry out the population  
 to the surrounding country, and, in anticipation, some of the  
 rly companies in the metropolis have made or are making ar-  
 ngements for special morning and evening trains to carry out  
 d ring in the humblest classes. This is indeed making our

scientific attainments subservient to the best interests of society. Some say there is sufficient space within the police boundary of London for the convenient accommodation of its population if properly economised; but, were this so, why should not the workmen have the opportunity of looking upon green fields once a day, if they prefer it, since it can be done without increase of rent? Thousands of clerks and tradesmen already go into the suburbs by the different railways, and why not the toiling artisan? Mr. Moffatt, some twenty years ago, proposed a plan of suburban villages, and the idea is now revived. Mr. Moffatt proposed to purchase land at some distance from London and build dwelling suitable for all the grades of those who live by labour, but he proposed that they should become tenants. The revived idea proposes to purchase freehold estates on the lines of railway, and make every occupant a proprietor, giving him the selection of site, the selection of the plan upon which his house has to be built, and a superintendence over the construction. It proposes to adopt the mode of contract which now prevails in freehold land societies as to solicitors' charges, available for the services of an architect, so that a man building a house may have the advantage of competent skill at a small fixed charge.

The proposal is met with all sorts of objections. This is the repetition of what takes place in every generation and in regard to every work of improvement. It is the action of that conservatism which imposes wholesome restraints upon the hopeful and buoyant spirit of progress. We are reconciled to it as it enforces caution and due consideration upon us, but I must say that the argument it sometimes uses sadly tries the patience. What was said about railways? All sorts of things which look now too ridiculous to repeat. "They would not do nohow," said an old coachman to me some thirty years ago in a district that no railway had yet reached: "nobody wouldn't travel by them, and they wouldn't pay. Why," he said, "they were making tunnels underground and the doctor of their village said that the noise and bad air would kill nervous people, and that lots of people would be smashed." All this was only more plainly putting the objection



by much more educated and practical men. We did not enter into this spirit of prophecy nor become reconciled to the coach as a permanent institution. In some degree the coachman is right. Railways do not in some cases pay, but that is not because people do not travel by them. We do not get frightened by death or stifled in railway tunnels, but we do occasionally get crushed in a manner that must be perfectly satisfactory to that old coachman, if he be still living; nevertheless we would not now exchange the railroad for the coach. In like manner we speak of the suburban village plan; some of the more singular objections may notice.

It is said that it will isolate the working classes and separate them from the classes above them, withdrawing them from the humanising influences of society with its mixed classes. Surely it is not possible to remove the poorer classes in London further from all that constitutes a higher life than they are placed at present? They are already as far away from the practical benefits of our civilisation as if they were the denizens of another life? But the projector of suburban villages did not propose them for the acceptance of the most dependent class, but for those who, in receipt of wages, had to pay high rents for insufficient accommodation, and who, exposed to all the evils of a bad sanitary condition, were in danger of falling down to the lowest state. Those who revive the proposal intend them for the class who could, out of their own earnings, pay, by instalments, the price of a house, if its attainment were within reach.

It has been objected that they would be away from police regulations, and invite lawless persons. I have not much fear of the lawlessness of men who will aspire to become owners of a home and make sacrifices to gratify so honourable an ambition. These are the most idle of all idle apprehensions, and arise from a want of information as to what has been done by freehold land societies, and from misunderstanding the scope and design of suburban villages. The villages would come within the sanitary and police regulations of the district in which they are situated.

Mr. Thomas Hare makes an objection to "special colonies

which tend to widen the distinctions between class and class. Has Mr. Hare made himself acquainted with what is taking place in London now, and, to my knowledge, in many large towns? The richer and more influential classes—those who have the best means of helping our improvements and the most power over administrative bodies—are removing to suburban residences, coming into London for the purposes of business only. This is a tendency to lessen their interest in all that affects their neighbours in London, to make them indifferent to sanitary improvements, and to widen the distance between class and class, which is already too strongly marked. The blocks of buildings raised in London by benevolent enterprise—of which Mr. Hare speaks with favour—are much more colonies than a suburban village could possibly become, because they are composed of suites of rooms suitable only for a particular class, while the statistics of different freehold land societies will show that houses built upon them costing from 120*l.* to 1200*l.* and 2000*l.* each.

On an important matter like this let us not mistake. It is proposed to form a benevolent society—to build rows of houses after some selected model suitable only for the working class. The plan is as remote from that of the self-supporting village of Mr. Morgan, or the parallelogram of Mr. Owen, as it can well be. What is proposed is simply an elaboration of the plan carried out with so much success by the British Land Company, but carrying it out to the further purpose of building houses. The essential element is that of making each man the proprietor of his own house, but, for the purposes of economy, enabling him to co-operate with his fellows, and giving him a control over the construction in the same way as he has now the power of choice as to site in a freehold land society. It will do simply this: it will enable an associated body of men to purchase an estate, new roads, drains, &c., and divide into lots, and then offer the lots into which it is divided for sale among themselves or others who will pay the price. The society will engage an architect on the same conditions as it will engage a solicitor—the latter to negotiate the conveyances at a fixed rate, the former to make plans and

superintend erections. It will not bind the purchaser to any particular plan, nor fasten him down by covenants, only to such general rules as may be necessary for the convenience of the other purchasers. It will advance the purchaser the money to pay the expenses of his building on certain conditions, and to be repaid by instalments. It will confer upon him many advantages which he could not obtain without this co-operation with his fellows. It will leave him to a large extent a free agent, and, when he can repay the society what he has borrowed, he is to all intents and purposes as free as any proprietor can be. I think most favourably of this plan of extending the operations of freehold land societies to the erection of houses, as it will give to the man who is erecting a house the benefit of professional skill in its construction. One of the present objections to freehold societies has been that many of the members violate all the rules of order in the internal arrangements of their houses, and all principles of taste in the elevation, so as to make them unsightly, and repel rather than invite neighbours of a higher class. I confess that this complaint is not without good grounds, nor is it at all unreasonable. When a workman is building a house that is to be his future home, and probably will become an inheritance for his children, it is a mistake, and a serious one, to neglect the neatness and strength of its construction. It is not well to sacrifice convenience to appearance or to ornament, but it is well to take care that a dwelling which a man has to look upon every day satisfies the eye. I have known instances where an extra 10% spent upon a house has given it a neat and tasteful appearance, and the working classes of this country are learning somewhat slowly, but still effectually, that neatness and order in house arrangements and in dress have much more to do with the temper, as well as the morals of the man, than is generally supposed.

If this scheme is not in accordance with sound economical principles, I have failed to discover the defect. It proposes to do by combination or co-operation what working men cannot do individually. Whatever may be the result of the present inquiry into co-operation as a principle, and whether it can be made ap-



plicable in certain fields of production, is still an undecided question; but its success in this direction is beyond all controversy. By it thousands of working men have become proprietors of their own houses, have raised themselves from their position as wage-men to become small capitalists, and many of them employers of labour; and I therefore ask for it such alterations in the law will enable the freehold land societies to extend their operations. Besides the direct advantages, it is teaching the working man the commercial principles which may be useful when employed in other fields of co-operation.

I would direct the attention of working men to it. Many many, of the skilled artisans of this country spend more on drink and tobacco in the course of ten years, than would suffice to buy a home with all necessary comforts. To such men no relief can be given. They forge their own fetters, and the act of deliverance from such a bondage must be their own. There are, however, vast numbers who would be willing to make efforts for their own improvement, who aspire to better things, and by their help will be welcomed. We must not look for any enlarged measure of success to our philanthropic or educational efforts until we improve the homes of the people. We often speak of education in a hurried and mistaken way, and in connection with it, speak of schools. There is an error in this. Instruction is the work of the school. Education is the business of the home. It is there that the feelings, affections, habits, and aspirations which govern the conduct of the future life are matured, and which determine happiness or misery, the success or failure, of the man; depending upon the training of the child. What can be expected of the neglected child when ripened into the man? Upon the domestic character is based that of the citizen. A love of country is not likely to exist where there has never been a love of home. Goethe said long ago, "Home is the domestic country of the man," and he pointed to the cultivation of the family ties as essential to the growth of true patriotism. There is no sentimentalism in this, and that country which neglects so impressive a lesson must expect to reap a bitter harvest of discontent and disaffection.

do not profess to have discovered a panacea for our social ills. They are various and many, and arise from a variety of causes; and therefore we require a variety of remedies appropriate to the evils we seek to cure; but we cannot be wrong in estimating the improvement of the home as very near the basis of all reformation of manners and morals. I know that much is doing, but yet much remains to be done. I will not libel my own age by believing that it is retrograding or standing still; but I believe it possible that the rapid growth of our commercial system, our achievements in the arts, and the marvellous increase of wealth, may blind us to many of the defects which lie underneath, and are undermining the morality and strength of the people. We are surrounded by advantages never yet vouchsafed to any nation under heaven—our responsibilities are in proportion to our opportunities—and that responsibility cannot be discharged until we have done the best to secure to every honest, sober, and frugal man, the advantage of a comfortable and decent home.

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DISCUSSION.

Meeting of the Department of Economy and Trade, Monday, January 22nd, 1866. EDWIN CHADWICK, Esq., C.B., presided. The minutes of the previous meeting were read and signed as correct.

Letters were read from the Earl of Shaftesbury, Lord Stanley, M.P., Sir J. Kay Shuttleworth, Bart., Professor Fawcett, M.P., Mr. Tite, M.P., and others.

Mr. THOMAS BEGGS having read an abstract of the foregoing paper, Mr. T. T. TAYLOR read his plan referring to the same subject, the chief points of which were: An Act of Parliament to be obtained to empower a board, or commission, as shall be deemed most advisable, to undertake the work of supplying home accommodation to the working-classes. Such districts of each town as are properly to be described as pestilential," to be purchased from the present landlords and ground landlords, under compulsory powers—the price to be determined by an average of three years' rental. These districts to be gradually rebuilt with streets of lodging-houses, constructed on the plan which may be deemed to unite every sanitary condition—drainage, air, light, and water-supply—at the most economical rate. The money for the purchase and subsequent buildings to be lent by Government at a

small interest, according to an Act now in force but never used (c. of the 14th and 15th Victoria), which empowers the Public Loan Commissioners to lend money for the erection of lodging-houses for the poor. The buildings, when completed, to be sold, and the Government repaid within twenty years. No special conditions to be attached to the habitation of the lodgings. The terms of sale to secure repayment of the existing Public Lodging-house Act providing against overcrowding.

Mr. W. H. ROBINSON gave some particulars respecting a scheme providing improved dwellings for the working men in London, by means of a limited-liability company. It professed to hold out great inducements to the working classes.

Mr. HARE thought the action of the Legislature was essential to the purpose of getting the necessary compulsory powers; also sanctioning parliamentary advances on the security of buildings erected for such dwellings. The Government had by the Post Office Savings Bank, initiated a system of protection and encouragement to economy and providence in the working classes, and it would be a legitimate method of pursuing the same object, and furthering this vast social improvement, if the Government or the municipalities would lend to working men individually a portion of the purchase-money of the dwellings, on the security of such premises, accepting repayment, with interest, by instalments, on the principle adopted in Building Societies. This would greatly aid the progress of these building operations, and call into exercise the efforts of all the more worthy of the industrial classes themselves in the work of their domestic and social elevation, without which it would never be accomplished.

Mr. WEBSTER Q.C., F.R.S., specially referred to the obstruction offered by Lord Redesdale to compulsory powers for philanthropic objects, and characterised the opposition to obtaining compulsory powers for such purposes as one of the greatest difficulties of the present day, especially when these objects were for the removal of the plague-spots of the metropolis. He thought that efforts should be localised, and then if they went to Parliament they would succeed in showing that great public objects were to be attained by such improvements. He characterised the attempt to enable the working classes to become the owners of their own houses as the greatest social question of the day, and as deserving the united and energetic exertions of all parties.

Mr. RAWLINSON, C.B., hoped they would adopt some active measures, for it was of the greatest possible importance that the country should be relieved from its fever-nests. The evil was national, and nothing but national action could touch it. The action even of private companies, as depicted by Mr. Beggs, was but a mere drop in the ocean to that which was required. As a mere matter of pounds, shillings, and pence it would pay the country to sweep away all the fever-spots in the land, and let the people have buildings where health could be enjoyed, morality observed, and Christian feelings taught. These spots of fever and deplorable wretchedness were more costly, yard by yard,



many part of the Queen's palaces ; they absolutely cost the country more in money. Having quoted several striking instances of the poor accommodation which the working classes had too often to put up with, Mr. Rawlinson strongly urged upon the meeting that a committee should be formed, or some other steps taken, for discussing practical details of the schemes, so that the question should be fairly brought forward. He did not despair, despite the opposition of the objectors, that a useful, practical, working measure would be adopted.

The CHAIRMAN offered some remarks upon the uses to which corporations may be put in supplying the accommodation needed. He referred to the analogy to be drawn from the practice under the Land Drainage and other similar Acts.

Mr. LOCKE, M.P., said that it was easy to get a limited-liability company to do anything when it could be shown that the thing would pay, but not otherwise. It was pretty generally understood that houses of this sort did not pay. If they could make out that they did, there would be no difficulty. He did not presume that it was meant that the working classes were to be carried out of the towns, away from their homes, unless they wished. He looked upon this question of housing the working classes as one of the most important of the day. Whether the plan of Mr. Taylor were carried out or not, it still deserved serious consideration. It struck him that this plan was the best he had seen upon the subject, and at all events some scheme might be founded upon it.

Mr. A. KINNAIRD, M.P., proposed that a committee should be formed to consider the question, and suggested that this Association might draft a practical bill. This should be done at once, as the meeting of Parliament was at hand.

Mr. McCULLAGH TORRENS, M.P., referred to the devastations which had been committed by the railway companies, especially in the borough which he represented. He did not think they should go on the philanthropic system, but on that of self-interest. He was prepared to lay a bill on the subject on the table of the House of Commons, and he hoped that the Government would make it a Government measure. No measure could touch the welfare of the country more than this. In his career he had stumbled upon "sties" which were perfectly dreadful. It was high time to get rid of little difficulties, and unite to do something on this matter.

Mr. Alderman WATERLOW gave some particulars of a bill which had been prepared, asking Government to advance money at three and a half per cent. on the security of buildings already erected. It contained provisions for repaying the Government at the end of thirty-five years, and for the borrowers dividing no more than five per cent. until the loan was repaid. He stated that buildings for the working classes could be made to pay, and instanced the buildings of the Corporation of London.

Mr. CHARLES BUXTON, M.P., thought it a good suggestion that compulsory powers should be obtained for sweeping away fever districts,

and erecting thereon decent, habitable places. Without Parliamentary powers they could do nothing.

After some observations by Dr. Guy, Dr. JEAFFRESON, and RENDLE,

Mr. KINNAIRD moved, and Mr. WESTLAKE seconded, that the communications on the subject of the accommodation of the working class be referred to the following committee: Hon. Arthur Kinnaird, M.P.; Mr. John Locke, M.P.; Mr. T. M'Cullagh Torrens, M.P.; Mr. Linson, C.B.; Mr. C. Buxton, M.P.; and Messrs. Waterlow, Hare, B. and Hawes, with power to add to their number, for the purpose of considering and reporting on the matter, and taking such steps as might think fit.

The motion was seconded and carried. The meeting then adjourned.

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*On the Reform of the Law of Debtor and Creditor.\**

*By WILLIAM HAWES.*

THE signal failure of the Bankruptcy Act of 1861 has again brought before the public the necessity for further legislation upon this subject. This failure in the operation of an Act, passed with perhaps greater pretensions than any of its predecessors, necessarily obliges us to consider whether, in our legislation upon this subject, we have proceeded upon sound principles ; whether it is necessary, either in the interests of public justice, or in those of commerce, that this branch of jurisprudence should be administered in a distinct court, with its separate staff of judges and officers.

Hitherto the Court of Bankruptcy has endeavoured to discharge two duties—the one to enforce commercial morality, and the other to frame rules for the collection of trade debts, neither of which has it been able to accomplish efficiently, because, in my opinion, the higher officers of the Court have never had enough legal business to engage their attention, or to occupy their time, as judges or lawyers, the points of law requiring attention being very few ; nor have they been able to discharge the commercial part of their duties—most monotonous and uninteresting in their character and very technical in their details, and which they found by experience could be done as well, and perhaps better, by their subordinate officers.

The result has been a lax and inefficient mode of conducting the business of the Court ; a scanty attendance of the Commissioners, and the consequent crowding of the details of the business to be transacted into so short a space of time that none but those whose duties obliged them so to do would think of attending the Court. In fact the higher officers of the Court have always refused to treat bankruptcy as an offence against com-

\* Read January 23, 1866.



mercial law, dangerous to commercial morality, to be inquired into and adjudicated upon independently of the mere amount of money involved; so that all moral influence of the Court has long since ceased, and it has become a mere centre round which every species of commercial fraud hovers—each case waiting the proper opportunity to avail itself of its forms, its delays, and confusion, under which to screen its fraudulent acts.

The whole spirit of bankruptcy legislation, from 1831 to 1861, has been dependent on the idea that the Court should investigate every case brought before it, and record its judicial verdict upon the facts disclosed during the inquiry.

Elaborate attempts were made by Lord Brougham, in 1831, to accomplish this end, by the establishment of a Court consisting of a chief and three other judges and commissioners. It was then assumed that the legal business of bankruptcy was sufficient to employ the time of a Court of four judges, and an elaborate system of procedure was framed with a view to carry out the principles embodied in the Act. But this Act had not long been in operation before the machinery was found to be out of proportion to the work performed, and in 1835 the number of judges was reduced, and other alterations were made in the procedure. This state of things did not last long; for by the abolition of arrest on mesne process, in 1838, 1 Vict., cap. 110, a very large proportion of the contentious business was annihilated, and the legal business of the Court was vastly reduced.

To remove, however, a scandal which was rapidly growing—that this Court, with its large staff of officers and judges, with high rates of remuneration, was comparatively unemployed—two Acts were passed in 1842, the first materially extending the area of bankruptcy, by the admission of voluntary fiats, and by admitting to the benefits of the Court certain classes of traders before excluded, and also, on certain specified conditions, traders and non-traders owing less than 300*l*. This change soon lowered the Court in the estimation of the public; for such was the rush of small traders anxious to take advantage of its provisions, few

any dividend, though all paying the enormous fees then  
d, that respectable solicitors all but refused to attend the  
and used their influence to prevent important estates from  
administered by it.

The second Act of 1842 again reduced the judicial staff, but  
ally increased the salaries of all that remained. It con-  
however, many important improvements in the law,  
endency of which was to lessen the legal business of the  
by settling points which had to this time been prolific  
s of contention and dispute. District Courts were also  
shed, which lessened the business of the London Court of  
ruptcy.

This Act, 5 & 6 Vict., cap. 122, an attempt was made to  
then and extend the judicial character of the Court, by de-  
much more clearly than had hitherto been done, the  
es punishable under the law of bankruptcy; but, unfortu-  
this attempt at improvement came too late. The judges  
ommissioners had long given up, except in very special  
any idea of acting judicially as between the debtor and his  
rs and the public, and looked with but little favour on the  
nal duties which the administration of this law, had they  
it out in the spirit in which it was framed, would have  
d upon them. The procedure of the Court gave to  
such unlimited power of delay, before any final judg-  
could be given, that the important provisions of this Act  
ll but inoperative—certainly inoperative for any really  
nd practical purpose. This Act of 1842 was amended by  
Act in 1844. There was a general complaint from the  
of the Court that business was falling off, and they saw  
ly that unless some new duties were added to it, and a  
appearance of the performance of some useful duty ex-  
to the public, it would not long tolerate the absurdly  
ystem established in Basinghall-street.

led to the Act of 1844, 7 & 8 Vict., cap. 96, under  
traders could become bankrupt on their own petition, with-

out any proof being required that notice of the application to Court had been given by the debtor to his creditors.

This was followed by the Acts of 9 & 10 Vict., cap. 95, 13 & 14 Vict., cap. 61, the one establishing and the other tending materially the operation of the County Courts, affording greater facilities for the recovery of small debts. The effect of all these enactments upon the business of the Court was so marked, that it was impossible any longer to maintain the Court of Review, which was accordingly abolished, and all important legal business of the Court of Bankruptcy, and of the Court of Insolvency, was thereby practically transferred to the Court of Chancery. By this Act the office of Chief Judge in Bankruptcy was abolished, and provision was made for the abolition of the office of the Chief Commissioner of Insolvent Court, and of two of the Commissioners in Bankruptcy.

The changes I have thus briefly noticed, and the daily increasing inefficiency of the Court, as it remained, after it had been deprived of any legal status and authority—the careless manner in which the Commissioners discharged their duty—the entire want of ability to grapple with important commercial business—had rendered it so thoroughly unpopular, and the administration of the law so uncertain, that a consolidation of the law became absolutely necessary, but neither the legal mind or the public, or commercial mind, was then ripe for the establishment of a properly constituted Court in which every case of bankruptcy resorting to it should be carefully inquired into and adjudicated upon; nor for the introduction of provisions for the easy settlement of insolvent estates, either under the supervision of the Court, but without its active interference, or by creditors properly registered in the Court, but worked entirely by the creditors out of Court, in both cases power being reserved to call in the aid of the Court if fraud should be discovered and the settlement proceeded.

The attempt which was made by the Act of 1849, 12 & 13 Vict., cap. 106, to separate the judicial functions of the Court



its commercial and administrative duties, and to promote settlements by deed of inspection and assignment out of Court, rendered fruitless by an early decision of the Exchequer Chamber (reversing a previous decision of the Court of Queen's Bench in favour of the merchant's view of the question) whereby it was held that the majority of creditors at a meeting properly constituted could not, under such a deed of arrangement as was contemplated by the framers of these clauses, bind a dissentient assentee creditor to take only a part of his debt.

As a necessary consequence of this decision, the Court was restricted to only in the small and unimportant cases of insolvency, bankruptcy, or where compulsory power was required to seize a fraudulent debtor, or when a fraudulent debtor sought protection of the Court, not only for his person, but to cover and legalise almost any amount of fraud upon his creditors. The administration of the law under this Act was no improvement on that previously existing, and although the expenses were somewhat reduced, they were still far too high, and the fees sanctioned by the Court were so large that some early change was inevitable.

From time to time the jurisdiction of the County Courts was extended, and new Courts were established. The amount of debt or of contention subject to their jurisdiction was enlarged, and the rapidity with which their authority could be exercised produced a very wholesome effect on small traders, and no doubt lessened the necessity, in very many cases, for an appeal to bankruptcy, by forcing on an early settlement of debtor's affairs.

In 1855, the first Act relating to limited liability was passed, which was followed by the "Limited Liability Act of 1862," the operation of which has materially altered the relation of trade and commerce to our laws of bankruptcy and debtor and creditor.

This altered position of trade relatively to our laws of bankruptcy and debtor and creditor, and the still greater divergence which must arise in the course of time, when the principle of limited liability is fully carried out, was entirely overlooked

and unprovided for by the Act of 1861, the last of the series of Acts relating to insolvency which I am called up to notice. This Act, introduced, as I have already stated with greater pretensions than any of its predecessors, has produced a greater failure than any of them. Had it not contained one or three important improvements in the law of bankruptcy which all reformers had been demanding for years, it never could have passed the House of Commons, but the press and the House, captivated by its leading provisions, such as the abolition of the Insolvent Court—the abolition of the distinction between traders and non-traders—the transfer of bankrupt business to County Courts—new conditions with regard to deeds of arrangement—and a plan for the distribution of the estates of deceased debtors—entirely overlooked the alterations made in the old machinery of the Court, and the practical effect of the new machinery introduced, the operation of both of which has been so injurious to trade, that its repeal is now loudly called for by some of its most ardent supporters. This failure has been attributed to the refusal of the House of Commons to appoint a chief judge to direct the business of the Court, but I ventured, before the Bill was passed, to point out, in a paper read before the Society in February, 1861, the impracticable nature of the provisions relating to the assignees, both official and trade, and the impossibility of their working satisfactorily, and also to the ruinous alterations proposed in the management of trust deeds.

The result has proved the correctness of the view I then took, and the daily increasing unpopularity of the Court of Bankruptcy obliges every one taking an interest in this subject to make more effort to place our law of debtor and creditor on a sound and practical basis.

To accomplish this object we must first establish the principles on which we ought to proceed in legislating on this subject. We must obtain a clear view first of what is required for the administration of justice between debtor and creditor; secondly, what (if any) aid should be given by the legislature to assist traders in collecting their debts from insolvent buyers.

at they now possess against solvent debtors. We must carefully separate the legal from the administrative element of the Court. To arrive at a just appreciation of what is now required, must not overlook the changes which have taken place in our commercial procedure since 1831, when legislation for bankruptcy assumed a distinct and separate form.

We have abolished imprisonment for debt, except under execution, and the distinction between trader and non-trader. We have established County Courts, thereby removing a large class of debtors, and contentions respecting debt, out of the jurisdiction of bankruptcy.

We have materially simplified the procedure in superior courts, including the Court of Chancery, rendering appeals to them more simple, less costly, and more rapid. We have admitted the advantage derived by creditors, as regards both rapidity of settlement and economy, from private deeds of arrangement out of court, or settlement of estates by creditors themselves, over proceeding in bankruptcy; we have adopted the principle of limited liability in trade, though with limitations which must soon be removed, but which effectually keep companies trading under limited liability out of the Court of Bankruptcy, and all but exempt them from any legal control when the creditors are satisfied that the capital has been called up and lost, a form of trading to which all our large enterprises are rapidly tending; and we have improved our law of partnership. It must be apparent, then, to every one, that these important changes in the legal and relative positions of debtors and creditors, to our Courts of Bankruptcy—all introduced since the Act of 1831—require the entire reconstruction of the procedure relating to our law of debtor and creditor, and especially of that portion of it which relates to those who are unable to meet their engagements.

I believe, then, that when the present position of trade and commerce, and the greater facility with which traders residing in every town in the kingdom can communicate one with the other, are carefully considered—when the further changes in the law of partnership, which must assuredly follow those already made,



are effected, and are fully appreciated, we shall all arrive at the conclusion that a special court for the administration of the law of debtor and creditor only, and for the collection and distribution of traders' bad debts, is not only unnecessary, but absolutely injurious to the morality of trade and to the interests of creditors. By the ready means it affords fraudulent traders to defeat justice by delay, and the unavoidable expense it entails on creditors.

I believe it can be shown that the course of public justice has not been facilitated by Courts of Bankruptcy, and that commercial morality has not been improved by them. That neither the administration of justice between debtors and creditors, nor in the exposure of the progress and means by which commercial frauds have been effected, have they protected commerce. That placing the realisation of insolvent estates under the control of a public court, thereby occupying it with a mass of minor and unimportant details of intricate accounts, too often presents before it in a manner to create confusion and defeat justice, an entirely uninteresting to all but the parties engaged, tends to shelter fraud, to throw ridicule upon the Court, to lower its position before the country, and to give to every one connected with it an appearance of inferiority to those employed in the superior courts. We must not omit to notice here that the one feature which is common to all the legislation in bankruptcy to which we have referred. Every important Act has contained severe penal clauses, carefully drawn, to apply to almost every possible offence a debtor could commit, either towards the creditor or his creditors, yet in the tens of thousand cases of bankruptcy and insolvency which have been adjudicated upon since 1831, and in a considerable proportion of which commercial frauds of the grossest kind have been committed, their application has been so rare, so rare that they have produced no moral effect upon the traders. This state of things would lead to the conclusion that we had better leave the punishment of fraudulent debtors to the criminal law, and that no good end will be served by retaining the Statute Book with the penal sections of the Act of 1841.

With these remarks, and before proceeding to sketch of the

use in which I think legislation ought now to proceed, I will endeavour to correct some popular errors on the subject, and to point out some points which are essential to enable us to arrive at conclusions upon this important question.

I am afraid, in order to make myself understood, I must enter into details which will appear to many uninteresting, but without such explanation it will be impossible for me to convey to the Society the views I entertain, and the grounds upon which I venture to suggest material alterations in the present law and its administration by Courts of Bankruptcy and Insolvency. But in order to occupy as little time as possible, I will only refer to one or two of the errors to which I allude, and I will quote them from Mr. Moffatt's pamphlet on the "Bankrupt Law of England," which, as the latest publication on this subject, and as written by the Chairman of the Committee of the House of Commons, is entitled to respect.\*

The statements to which I will call the attention of the Society are—

That the smallness of the dividends on the estates administered by the Court of Bankruptcy is *mainly* caused by the extravagant charges of the Court (p. 21).

That insolvency has increased materially under the operation of the Act of 1861, and that this increase has arisen from inducements and incentives to indiscretion and fraud which the present state of the law affords, and which ought to be diminished (p. 26).

As to the first proposition, that the smallness of the dividends on the estates administered by the Court of Bankruptcy is mainly caused by the extravagant charges of the Court, there is no doubt that the expenses of the Court have been in many cases far too high, but there are causes which operate to make dividends on estates small—whether wound up in bankruptcy or under deeds of assignment, or by composition—that act with much greater force when bankruptcy is resorted to than in other cases, and

\*This pamphlet was read as a paper in the Jurisprudence Department of the Association, at the Sheffield Meeting, in October last.

which must not be overlooked when we are considering policy of fixing the payment of one equal rate of dividend applicable to every insolvency, and as indispensable for obtaining the discharge of a debtor from his liabilities.

The causes I refer to are the difference in value of a work concern and one suddenly stopped, as must be the case with an estate taken into Court, and of that of all the stock, machinery and fixtures being reduced to auction rates of value in lieu of their ordinary trading prices—as well as every outstanding claim being pushed to its utmost to obtain as much dividend as possible, small though it may be, and every asset being reduced by every possible deduction.

In all estates, and especially in small and foreign estates, there is no doubt that assets which, fairly stated in the debitor's books, would show 20s. in the pound, would hardly realise 10s. in bankruptcy; and then from this 10s. has to be deducted the costs of settlement in public Court, most of which would not be incurred could the insolvent or his creditors wind up the estate.

If this be the case in estates showing 20s. in the pound, no one can be surprised at the smallness of the dividend paid in estates far from solvent when this depreciatory process of bankruptcy begins.

That the Court of Bankruptcy, whenever the charges incidental to the administration of the law are too high, by so much they reduce the sum belonging to, and which ought to be divided among, the creditors, is true; but I demur to the statement that the main cause of the smallness of the dividends on estates administered in Bankruptcy is the extravagant charges of the Court. On the mass of very small estates the costs, in proportion to the assets, are large; but this appears to me to be unavoidable so long as a special Court is to be maintained, the fees payable before the value of an estate is known forming a large proportion of the assets of small estates; but on estates with moderate assets, especially if in calculating the costs those of the solicitor, which are quite independent of the Court, are separated from the gross amount, they are not extravagant.



is the application of the system of averages which misleads when examining into this part of the subject; for we find, the returns submitted to Mr. Moffatt's Committee, that the under six fiats worked under the Act of 1849 averaged per cent. on the gross assets; but on one estate, the assets of which were only 165*l.* 9*s.* 2*d.*, the costs were 135*l.* 6*s.* 9*d.*, or above 80 per cent.; whilst on another, the assets of which were 7*l.* 16*s.* 11*d.*, the costs were only 1245*l.* 17*s.* 9*d.*, or 17 per cent. On the first estate the solicitor's costs were 30*l.* 1*s.* 2*d.*, or 20 per cent. on the gross assets, and on the other 411*l.* 3*s.* 7*d.*, or 16-16ths per cent.

Then on fiats issued under the Act of 1861, we find the gross assets of one estate were 98*l.* 1*s.* 8*d.* and the charges 72*l.* 4*s.* 9*d.*, or 74 per cent.; and on another, with assets of 3117*l.* 16*s.* 6*d.*, the expenses were 331*l.* 0*s.* 4*d.*, or a little above 10 per cent.; the solicitor's costs in the first being 48 per cent., and in the second 10 per cent.

In three cases under the Act of 1849, and in seven under the Act of 1861, particulars of which were handed in by Mr. Lupton, the results are more striking. The gross assets of those estates under the Act of 1849 were 1471*l.*, the Court charges 143*s.* 5*d.*, or 14 per cent., and the solicitors' costs 23 per cent.; the gross assets of one estate worked under the Act of 1861 were 736*l.*, and the Court expenses 559*l.* 13*s.* 3*d.*, or 8¼ per cent. and the solicitor's costs, 3⅔ per cent., together 11⅝ per cent.; in the other six estates, the gross assets of which were only 2713*s.* 5*d.*, the Court charges were 217*l.* 3*s.* 9*d.*, the solicitors' costs 261*l.* 4*s.* 2*d.*, being 17¾ per cent. and 21½ per cent. respectively, or 39¼ per cent. together; or, taking five estates only, we find assets 605*l.* 4*s.* 1*d.*, Court charges 114*l.* 8*s.* 6*d.*, or 19 per cent., and solicitors' costs 160*l.* 17*s.* 1*d.*, or 26½ per cent., together 45½ per cent.

These figures satisfactorily dispose of the indiscriminate allegation that it is the extravagant administration of the estates in bankruptcy which causes the smallness of the dividends; and, in considering the per-centage of these charges, it must not be for-

gotten that before an estate reaches bankruptcy all the assets easy and costless realisation have been collected. It may be well also, before I leave this part of the subject, to place the entire question of costs clearly before the Society, and to compare the English charges with those of the Scotch system, which most of the witnesses believed to be so much more economical than ours.

I find, by Mr. Esson's returns, that the particulars of sequestrations in 1861 are given. The amount of the assets collected was 841,562*l.*, which was distributed at a cost of 10 per cent. (Appendix, page 314). The average amount received on each estate was 1813*l.* 12*s.* 9*d.* There was one estate of 141,923*l.* 19*s.* 6*d.*, and 110 estates in each of which the property involved did not amount to 100*l.* Comparing, then, which is manifestly unfair, an English estate, the assets of which would be equal to the average of the Scotch sequestrations, we have this result (page 294):—1738*l.* gross assets; the Court charges 9 per cent. (150*l.* 1*s.* 4*d.*), and the solicitors' costs 7 per cent., together 16 per cent. In fact, there was a larger sum realised from these 464 sequestrations of 1861 than from the 7224 English bankruptcies in 1863, which accounts for the average amount of Court charges being so low.

I have taken pains to establish the facts relating to the costs of our Courts, because the advocates for the introduction of the Scotch system, which has only been in operation eight years, rely very much upon the statements made of its economical administration; whereas, if instead of taking general averages, which are most delusive, we take estates of equal value, the costs are nearly the same in both countries; and the knowledge of this fact will be of great importance when we are considering what alterations in the law are required to remedy the grievances which all admit to exist.

I will now proceed to the second statement, viz.:

2. That insolvency has increased, and is increasing, since the operation of the Act of 1861.

First, no figures or facts are given to prove this statement,

ough without either Mr. Moffatt (p. 4) assumes that the loss insolvency amounts to 100,000,000*l.* per annum; but I will endeavour to show by the evidence brought before this and previous Committees that no such result has been produced by the year of 1861.

It was clearly established before the Committee of Inquiry in 1848 and 1849 that the minimum of insolvency for the year 1846 was:

In bankruptcy, 1532 cases of insolvency, representing 8,000,000 <i>l.</i> of debt, the dividends realising 3 <i>s.</i> in the pound, amounting to 1,200,000 <i>l.</i> , and the loss to . . . . .	£6,800,000
Insolvency, 1461 cases, producing in dividends 50,000 <i>l.</i> , representing a loss of . . . . .	450,000
Court of Requests, 86,812 cases, but no means existed of ascertaining the amount issued for, paid or lost . . . . .	
Compositions and Assignments—the dividends were estimated at 5 <i>s.</i> in the pound, and the number and amount of such arrangements, ascertained from very extensive inquiry, were found to be seven times those passing the bankruptcy, giving the gross amount of debt . . . £56,000,000 less 5 <i>s.</i> in the pound dividend . . . 14,000,000 leaving a net loss of . . . . .	42,000,000

Making a total loss in 1846 of . . . £49,250,000

This estimate, based on returns collected from all parts of the country, was considered, at the time it was published, so startling, that it received the most rigid scrutiny, but could not be in the slightest degree impugned, excepting on the ground of insufficiency. Now there is no evidence brought before the Committee to show that the loss by insolvency is greater or so great now as it then was. Mr. Moffatt, by the Parliamentary returns, shows an apparent increase in the number of deeds of assignment, of composition, and of inspectorship year by year since the Act of 1841 was passed, inferring therefrom that insolvency is rapidly increasing; and, in order to make these figures as striking as possible, he assumes that the number and amount of such deeds would be the same for the six months ending October, 1865, as in the six months from October, 1864, to April, 1865. The con-



trary to this assumption has been the fact, and this is within the knowledge of every man of business; but, even if Mr. Moffatt's estimate be correct, the total will not equal that of 1846. The latter period (1864) was one of great pecuniary pressure, with many large failures and the heaviest rate of insolvency, and the former (1846) was one of great prosperity, with a minimum rate of insolvency—a rate which would have appeared much larger had 1847 and 1848 been included.

In corroboration of this estimate, I may quote the returns of the Drapers' Committee for 1847, which recorded 592 failures, 402 being settled by composition, 97 by assignments, and 93 by bankruptcy, the dividends from which averaged 2s. 8½d.

Then because the figures returned to the Court show a great increase in the number of deeds registered, Mr. Moffatt assumes they prove an equal increase of insolvency, forgetting that deeds were as much used before the Act of 1861 as they have been since, but, not being registered, there was no means of ascertaining accurately their number, or the amount they represented.

The number of bankruptcies is treated in the same manner, apparently forgetting that the numbers now returned include the insolvencies of non-traders of past times, and a large number of small traders who now take advantage of the increased facilities which the Act of 1861 affords for getting relief from their debts, and who never before appeared in Court, and could not be included in the Parliamentary returns.

This is shown by the large number made bankrupts in the year ending October, 1864, on their own petitions; 6600 out of 7000, and 5324 of whom paid no dividend at all (Moffatt, p. 28). Mr. Holroyd, in his evidence (1373), gives the number for 1863 as 9663, of whom 6910 had little or no assets, and for 1862, 8700, of whom 5630 had little or no assets.

These figures afford no evidence that insolvency has increased or is increasing, even if tested by the insolvency in 1862, 1863, and 1864, as compared one with the other, or as compared with

1866, but prove directly the contrary when the enormous extension of our trade in these eighteen years is considered.

The imports and exports together have nearly doubled, our home trade has increased in a much greater ratio than our population; and what may be considered as still more conclusive evidence is, that of the merchants and men of business examined before Mr. Moffatt's Committee, not one complained of the increase of insolvency, though all complained that the law of 1861 had operated most prejudicially to their interests, and to the interest of trade generally.

All will agree with Mr. Moffatt that insolvency ought to be diminished, but whether this can be done by law is another question. A bad law, or even a good law badly administered, may tend to encourage fraud—to lessen the sense of responsibility of traders and others, and indirectly encourage rash speculation or extravagance in private life; but until the Court of Bankruptcy becomes, if it is possible it ever can be, a Court for the administration of commercial justice, where every case brought before it is adjudicated upon, and the result publicly recorded, no practically useful effect will be produced by any variation in its procedure.

The Act of 1849, however, endeavoured to accomplish this—to hold out inducements for the speedy surrender of estates, and to facilitate the punishment for fraud, to relieve the unfortunate, and to punish the fraudulent; but it signally failed in both, because those whose duty it was to administer it were opposed to the changes it made in the law; so that, both in respect of its operative clauses and in what were called the arrangement clauses, it became a dead letter.

I believe, then, I have shown that the failure of the Act of 1849, as well as that of 1861, has not arisen from the excessive charges of the Court, that the proportion of insolvency to trade has not increased since either of them were enacted, and that therefore they have not caused the evils attributed to them by Mr. Moffatt.

I will next call the attention of the Society to one or two of

the recommendations of the Committee which appear to me to be based on erroneous principles.

I will not now refer to the recommendations of the Committee for improving the administration of the Court or of the law, for these I must notice hereafter, but will confine my remarks to those relating to the conditions on which a debtor shall obtain his discharge, and to those to be embodied in deeds of assignment.

First, as regards the discharge of the debtor, it is proposed that on the payment of 6s. 8d. in the pound, every debtor shall be freed from the claims of his creditors; and that if the debtor fails to pay 6s. 8d., he shall, notwithstanding, after the expiration of a certain number of years, be freed from the claims of his creditors; and, secondly, as regards administrations under deed, it is proposed that no deed of assignment should be binding upon any creditor who has not executed it, unless all the estate and effects of the assignor, which in case of bankruptcy would have vested in the trustee, shall be thereby assigned for equal distribution among the creditors.

The proposition that a debtor shall only obtain release from the claims of his creditors by the payment of 6s. 8d. in the pound is unsound in principle, and would be most unjust and mischievous in its application. It ignores entirely all distinctions between the unfortunate and fraudulent trader. It is in the experience of many men of business that insolvencies arising from misfortunes or in which the debtor has had but little control, and in which there is not a shadow of fraud, though there may have been great want of judgment, often realise the smallest dividends, and that these are the cases in which it would be all but impossible to pay 6s. 1d. in the pound out of the estate; whilst the fraudulent debtor, knowing that the payment of this dividend, irrespective of his condition, would insure his discharge, would so arrange his indebtedness—if necessary, by fraudulent purchases and sales—as, by increasing its amount, to secure 6s. 8d. to all, and would most probably be able to pay it at an early period, and if he could not pay it, would not think it his interest to pay it, he would commence trading in



under name, and claim his discharge at the expiration of six years, retaining all he has acquired in the interval.

In fact, 6s. 8d. being the legal tender for the discharge of debtors' liabilities, but little inquiry would take place when that sum was offered, and estates capable of paying much more would be so arranged as to defy the inquiry or examination of the officers of the Court or of any trade assignee.

Such a law would indeed offer an incentive to fraudulent insolvency; it would be the creation of a penal cause more severe, more unequal, and more oppressive in its operation, than any in our existing or late statutes—except those for wilful and criminal acts of fraud—and would legalise, and therefore give public sanction to, the evasion of the payment of two-thirds of a debtor's just debts. I cannot conceive anything more injurious to the morality of trade than such a law. It would be giving a first-class certificate to every one who could so manage his affairs as to pay 6s. 8d. in the pound. No fraudulent debtor would think of paying more. By such a law the dishonest would soon be at liberty to renew his career of fraud, while the unfortunate debtor would be for years doomed to struggle on without credit and almost without hope, striving to earn under great difficulties a sum sufficient to make up the necessary 6s. 8d.

I believe it to be impossible that this recommendation of the Committee, which cannot remedy a single evil now existing, but would create others of greater magnitude, can be adopted by the House of Commons.

When as regards the clause relating to the administration of estates under deed. It does not appear clear whether compositions or deeds will be included in the provisions of that recommendation. If they be, then its operation will be to defeat the great object of compositions, which is to leave the assets of an unfortunate but industrious trader in his hands, as a means to enable him to start afresh in life, a fair estimate being made by his creditors of what he can pay by instalments spread over a given period, and such payments being accepted in discharge of his

debts, thereby giving him the best possible chance of recovering himself. But if these composition-deeds are only to be binding on dissentient creditors in the event of all the estate of the assignor being equally distributed, as it would have been in case of bankruptcy, then the whole object of these deeds is counteracted, many a trader will be broken up and ruined for life, and creditors receive a very much smaller dividend than would have been the case had the ordinary composition-deed been adopted.

It appears to me, then, that these recommendations of the Committee are based neither on justice nor equity, would injure both creditor and debtor, and would in a short time make any Act which they might be embodied more unpopular than the Act of 1861 is now.

That the Act of 1861 is unpopular no one who reads the evidence given before Mr. Moffatt's Committee can doubt; but it is essential, before proceeding to suggest any new procedure, that we should examine into the objections brought forward by the various witnesses.

I will not stop to examine the evidence given by the Commissioners and other officers of the Court, or by solicitors or accountants practising in the Court. This, though most valuable to any one striving to improve the present law and its administration, is not necessary for my present purpose; but I will allude to the evidence of the twelve men of business examined, and to the tendency of their principal recommendations, as well as their objections to the present law of, and procedure in bankruptcy.

The most striking feature in the mercantile evidence is that not one of the witnesses examined requires the amendment of the law as a means to check the increase of insolvency since 1861, on which so much stress is laid by Mr. Moffatt. They do not complain, and I believe justly, of the delays, expenses, and interference of the Court; they believe they could manage their affairs better than they are managed by the Court; that the important legal questions arising during the administration of estates by creditors could be treated as economically as e

are by the Court of Chancery; and that fraud could be punished by the criminal law, as frauds of all other kinds are.

The witnesses have each their special but somewhat contradictory views as to the mode in which a Court should interfere between creditors and their debtors, and the extent of the power which should be given to a Chief Judge; but only one, Mr. Cooper, of Nottingham, appears to have a clear view of the consequences of the abolition of the Court of Bankruptcy, which he nearly all recommend.

Having then traced the progress of our bankruptcy legislation, and endeavoured to correct some erroneous views respecting it, I pointed out the improvements which have been made in the law relating to trade and traders and their relation to our bankruptcy law, the procedure of which has not advanced with the greater freedom of action afforded to creditors and debtors, I will now proceed to show the grounds upon which an entire re-contruction of the bankrupt law is advocated, and will then suggest a procedure which I believe will satisfy traders and meet the demands of public justice.

The great complaints against the existing law and the procedure in bankruptcy, are—

- 1. Its expense.
- 2. Its dilatory and uncertain procedure.
- 3. The facilities it affords to fraudulent traders to obtain relief from their debts without due inquiry, and irrespective of their creditors.
- 4. The difficulties it interposes in the settlement of estates by assignment or by deeds of composition, and its unnecessary interference with the duties and proper functions of creditors; and generally its endeavour to discharge two duties incompatible one with the other—the protection of commercial morality, and the collection and distribution of the assets of insolvent traders for insolvent traders.

It appears to me impossible to defend, on any sound principle, the establishment of a special Court, maintained to a great



extent at the public expense, to collect and distribute the debts of traders. It cannot do it so quickly, so efficiently, or so economically as the traders themselves, and hence the universal complaint of the delay and expense of the Court of Bankruptcy. But it has been assumed that to enable a Court to act judicially and to inquire into and to expose and punish fraud in the transactions of insolvent traders, it was necessary that it should have the entire control over their estates; and on this assumed necessity the maintenance of a Court of Bankruptcy, with its enormous machinery, has hitherto been justified.

It is quite unnecessary for me to occupy the time of the Society in an endeavour to prove that the Court of Bankruptcy, either as at present constituted or during any period since its establishment, has never exercised any beneficial influence on trade, by the carefulness of its inquiries into causes of mercantile failure, by its discriminating action in distinguishing honest from dishonest traders, or by any endeavour, which Commissioners invested with great authority might and ought to be shown, to place prominently before the public the origin of mercantile embarrassments.

The Court, distinguished from its procedure, has not, I think, fulfilled a single duty for which it was established. Its important equity business is always carried into other courts; and, judging the character of the duty to be performed by the attendance of the Commissioners, it would appear that the receipt of very high salaries for a minimum of attendance and duty is one of the most important of them.

Nothing then, in my opinion, can justify the continuance of this Court, or the appointment of any new Commissioners or Chief Judge.

I have already endeavoured to show that the complaint against the Court, on the ground of extravagant expense in collecting and distributing the assets of traders, is not borne out by the facts brought before the late Committee. Looking at the expenditure under the Scotch Act and the average amount of the sequestrations, and then looking to the character and small amount of the

states brought before the English Court, the fallacy of judging of the efficiency of the two systems by per-centage average becomes apparent, and satisfies me that no reform in the procedure of the Court will secure to trade that which every witness desired—economy and despatch.

In order to show the exact nature of the dissatisfaction which exists, and the pecuniary loss entailed upon commerce by the operation of our Court of Bankruptcy, we must compare the results obtained from winding up estates in Court and under composition-deeds, both in England and Scotland.

M. Honey, in his evidence, states that—

The average cost of winding up nine estates under Bankruptcy, the assets realised being 16,000*l.* 12*s.* 3*d.*, was . . . . . 18 $\frac{3}{4}$  per cent. including the solicitors' costs, which amounted to just under 5 per cent.

The average cost of nine estates wound up by assignment, the assets realised being 16,793*l.* 6*s.* 2*d.*, was . . . . . 7 $\frac{1}{2}$  per cent. The solicitors' costs being 2 $\frac{1}{2}$  per cent.

The average cost of winding up six estates by assignment, the assets having exceeded 10,000*l.* each estate, was . . . . . 3 $\frac{1}{2}$  per cent. The solicitors' costs being only  $\frac{11}{16}$  per cent.

M. Commissioner Holroyd gives the following return of the expenses under the Acts of 1849 and 1861 :

On six estates prior to the Act of 1849, with the assets of 18,547*l.* 5*s.* 5*d.*, or 3090*l.* each, the Court charges were . . . . . 17 per cent. The solicitors' costs included in this charge were 5 $\frac{3}{8}$  per cent.

On five estates under the Act of 1849, with assets of 4392*l.* 18*s.* 2*d.*, or 878*l.* each, the Court charges were . . . . . 32 $\frac{1}{2}$  per cent. The solicitors' costs were 10 $\frac{2}{3}$  per cent.

These estates cannot be fairly compared with the six worked under the Court prior to the Act of 1849, the average assets in the first instance being 3090*l.* each, and in the other only 878*l.* each. If we divide those worked prior to 1849, we shall have three

estates with average assets of 393*l.* each, and three with average assets of 5787*l.* each, the costs of the first three being 58 per cent., those of the second being 14 per cent.

In five estates under the Act of 1861, the assets being 5909*l.* 9*s.* 10*d.*, or 1180*l.* each, the charges were . . . . . 19 $\frac{7}{8}$  per cent.  
The solicitors' costs included in this charge were 8 $\frac{1}{4}$  per cent.

Under the Scotch system we find, from Mr. Esson's return that

In 1857 there were 23 estates settled, the assets being 8385*l.* 9*s.* 1*d.*, and the average assets of each estate being 365*l.*, the costs of the sequestration . 23 per cent.  
The law charges included were 13 $\frac{3}{8}$  per cent. Of these 5 estates were under 100*l.* each, and the expenses upon them were 48 per cent.

In 1858 we have 123 wound up, the assets being 87,545*l.* 1*s.* 2*d.*, and the average of each estate 823*l.*, and the costs . . . . . 17 $\frac{3}{8}$  per cent.  
The law charges 9 per cent.

In 1861-2, on 133 estates, the assets being 223,237*l.* 16*s.* 3*d.*, the charges were . . . . . 13 $\frac{1}{2}$  per cent.  
The average value of each estate being 1678*l.*, and the average time of each estate before the Court was 2 $\frac{1}{2}$  years.

In 1857 there were 97 sequestrations wound up by composition, the assets being 113,330*l.* 19*s.* 3*d.*, the charges on which were only . . . . . 7 $\frac{1}{2}$  per cent.  
The average value being 1090*l.* for each estate; the law charges 1 $\frac{3}{4}$  per cent.

In 1858 there were 228 cases wound up by composition for . . . . . 5 $\frac{7}{8}$  per cent.  
Average value of each estate 1500*l.*; law charges 2 $\frac{3}{8}$  per cent.

In the return to the Parliamentary Committee, Mr. Esson does not give the results of the sequestrations settled by composition and deed of assignment for 1862, only stating the number wound up to have been 198 out of 350 sequestrations.

These figures show the cause of the dissatisfaction of the mercantile community with the Court of Bankruptcy. It is not when justly viewed, so much the extravagance of the charges



Court—for those of our English Court differ very little from those of the Scotch system, which so many of the witnesses highly reprobate—as their excess over those incidental to winding up under management and by composition when managed by themselves; small expenses incurred by such proceedings being even now greater than they ought to be, owing to the uncertainty of law and the ambiguity of the clauses of the Act of 1861 relating to trust-deeds.

Assuming, then, that 1,300,000*l.* is now collected annually by the Court of Bankruptcy, 10 per cent., or 130,000*l.*, of this sum is unnecessarily paid by trade, in excess of what would have been paid had the same estates been wound up by the creditors, without the interference of a Court which does not satisfy any of the requirements of commerce, or fulfil the duties for which it was established.

The next substantial ground of complaint is the delay which the forms of Court necessarily interpose in winding up estates, which appears to be as great in Scotland as in London; for example, that the 133 estates settled in 1862 had been on an average two-and-a-half years before the Court, and that at the date of the statement (October, 1862) there were 1423 in default of payment, which, allowing about 500 sequestrations per annum, shows that many of these must have been a very long time in default. Nothing, therefore, would be gained by the adoption of the Scotch system in England, either in reducing expenditure or economy of time; and so long as our Court of Bankruptcy remains, it is difficult to suggest such alterations in its procedure as will render it sufficiently economical, efficient, and certain in its operation to satisfy men of business.

It need not occupy much of the time of the Society in proving that the Court, as now constituted, affords facilities for fraudulent traders to obtain relief from their debts without proper inquiry. Every witness admits that the overcrowding of the Court, the complication of forms, and the facility they afford the debtors to evade inquiry into his affairs, are most injurious to the public. These complaints cannot be remedied so long as so large

a number of estates are administered in one building, with limited resources, judicial and practical, as there now are in Basinghall-street.

The fourth and last complaint, and which lies at the root of the evil now existing, is, that the Court and its procedure necessarily interpose obstacles to the settlement of estates out of Court, either under deeds of assignment or by composition, to the great injury of creditor and debtor; and this leads me to the real object of this paper, which is to inquire whether a Court of Bankruptcy in its best form can administer insolvent estates as well in the interest of creditors and debtors as the creditors themselves, and, if it be shown that it cannot, then to suggest a procedure which shall secure the best and cheapest administration of estates, and the punishment of fraud when it may be proved.

I have, I hope, shown—

1. That the present Court has not the confidence of the commercial classes.

2. That it entails expenses in its administration more than double those incurred by winding up estates out of Court.

3. That its proceedings are dilatory and cumbrous.

4. That it fails entirely as a Court of Justice: it neither punishes fraud nor protects the unfortunate, and is consequently injurious to the commercial morality of the country.

I propose, then, to remove these just grounds of dissatisfaction with our law of debtor and creditor by the following means:

1. By abolishing entirely all the Courts of Bankruptcy in town and country.

2. By placing whatever legal action may be required to insure the speedy surrender of insolvent estates under the jurisdiction of the County Courts.

3. By limiting the action of those Courts to—

a. Granting a peremptory order for the attendance of a debtor before the Judge on the application of a creditor, who may prove to the satisfaction of the Judge that his debt is justly due, and has been duly,

ineffectually, applied for in the ordinary course of business.

- b. To hearing the debtor's defence to the claim, and granting an order for the creditor to call a meeting of creditors within fourteen days from the hearing, if the debtor has no good defence to the claim, and can neither give security for nor pay the debt.
- c. To granting to a debtor, on his personal application, protection from the claims of his creditors, upon his giving an undertaking to the Court to call a meeting of his creditors within seven days from the date of the protecting order, and submitting to them a general statement of his affairs, with a list of his creditors.

These preliminary steps being taken, and a meeting of creditors constituted, the entire authority for winding up the estate, whether by a deed of assignment or by composition, or by the private sale and distribution of all the assets equally among the creditors, shall be vested in the trustees or assignees chosen at the meeting, or at an adjourned meeting thereof; but no debtor shall be relieved from his liabilities but by a special vote of a majority of two-thirds of those present at a properly convened meeting of his creditors, the object of the meeting being stated in the notice convening it.

That the choice of a trustee or assignee shall be determined by a simple majority of the creditors present, unless a minority of one-third in number desire the adjournment of the meeting for seven days, of which adjournment notice must be sent to all the creditors, and immediately upon the choice being completed all the debtor's estate shall vest in the trustee or assignee.

The trustee or assignee, being elected, shall determine, subject to the approval of the majority of the creditors, whether the estate shall be wound up under a deed of assignment or by composition, or otherwise. If by deed of assignment, the vote of a simple majority in number and amount shall be binding upon



absent or dissentient creditors ; but in the case of a composition, a majority of at least three-fourths in number and amount of the creditors shall be necessary to make it binding upon dissentient creditors ; and if these majorities be not obtained at first meeting or at an adjournment thereof, then the estate shall be wound up in the ordinary way.

In all cases of administration by sale and absolute realisation of the assets of an insolvent, the trustee or assignee shall immediately on his appointment, or so soon after as circumstances admit, insert the name, address, and business of the insolvent in the *London Gazette*, with such other particulars as may be required by the meeting of creditors.

In cases of settlement by deed of assignment or by composition, the registration in the Court of the name, address, business of the insolvent, with the amount of liabilities, assets and the amount paid to the creditors, shall be sufficient.

Should fraud be proved during the administration of an estate, the trustee, with the consent of a majority of the creditors attending a meeting specially convened to consider the same, shall have authority to apply the funds of the estate to the criminal prosecution of the debtor.

The trustee or assignee shall, once in every six months after his appointment, send to every creditor a general statement of the estate entrusted to his care, distinguishing—

- The debts claimed,
- The debts proved and subject to dividend,
- The amount of preferential claims,
- The assets realised from property or trade debts,
- The dividend paid and the balance in hand,
- The further sum likely to be collected and divided.

I can in this paper do no more than give a general view of the plan I propose as a substitute for our Court and procedure in Bankruptcy. I must leave others to draw the Act, and to suggest the necessary legal details, such as the restrictions to be placed on trustees and other matters.

trust that what may now be done, whatever be the measure adopted, will not fail to strike at the root of the evils which all admit to exist, and will, with the least possible legislative leave to those who make bad debts the necessary duty of settling them and winding up their debtors' affairs.

## DISCUSSION.

At the fourth meeting of the Department of Jurisprudence and Amendment of the Law, Tuesday, January 23rd, 1866, John Howell, Esq., occupied the Chair.

The minutes of the previous meeting were read and signed as correct.

A resolution was ordered to be entered on the minutes expressing deep regret and sorrow of the Department at the untimely fate of one of its honorary secretaries, Mr. G. Harry Palmer, who unfortunately lost his life by the foundering of the *London* on his passage to Australia for the benefit of his health, several gentlemen present bearing testimony to his ability, labours, and worth of character.

On the reading of the foregoing paper by Mr. William Hawes, Mr. WILSON said that creditors were a company of persons united by common misfortune. They ought therefore to be able to act in concert, and, being assembled in a duly convened meeting, should have power to bind the minority as to the nature of the arrangements according to which the estate should be wound up, and as to the terms upon which the bankrupt should be discharged.

Mr. PANKHURST said the principles upon which the first Act of Bankruptcy was based were the entire opposite of those now acceptable to the community. The existing bankrupt law was founded on the ground of expense, delay, facility for fraud, and the interference with the voluntary arrangements between debtor and creditor. The present law allowed insolvent estates to be dealt with in two ways—by proceedings in Court upon adjudication, by private arrangement through deeds of assignment and composition. The selection of the commercial world had been unmistakably made. The result was, where there was an estate there was no adjudication, and where there was an adjudication there was no estate. Bankruptcy might be defined to be a statutory interpretation of a contract between a debtor and his creditors to take effect in certain events. There might therefore be three objections to the system—to the interpretation, to the events, or to the mode of determining the latter and applying the result. The interpretation was, that in certain contingencies one party to the contract—the debtor—should be held to have performed it, although in fact he had not. The events were either that he had been adjudicated bankrupt and obtained his discharge, which was the public way, or that he had, after the execution of some instrument, obtained the release of a certain number of creditors, representing a certain proportion, which was the private way. As to the points of practice, the result of an insolvent, in fact, belonged to his creditors, in whose

hands, therefore, it should be placed. No special court was needed. The difficulties arose, as to deeds, from fraudulent claims, irresponsibility of trustees, the extreme uncertainty in regard to the binding power of the instrument executed. What was wanted was that the conditions of the validity of the deeds should be clear and simple, that the trustees appointed should be under judicial control as to the careful investigations of creditors' claims, the speedy collection of the estate, the prompt distribution of the assets. Any application to the Court should be based upon the principle of the local administration of justice between the debtors and creditors.

Mr. F. HILL was opposed to a special tribunal for administering the estates of insolvents, or enforcing the code of criminal morality. He disapproved of a minimum sum being fixed as the consideration for discharge, as had been proposed. Offences should be dealt with by the ordinary Court.

Dr. WADDLOVE approved of the suggestion that Bankruptcy Courts should be abolished, and some simple plan established for the collection and distribution of estates.

Mr. JENCKEN said he did not see that any distinction ought to be made between deeds of assignment and composition. He approved of some simple plan of giving effect to private arrangements. He thought the bankrupt laws here and in the Colonies should be assimilated, and even that the law of this country and of the Continent should be based on a uniform footing of principle.

The CHAIRMAN could not adopt the views expressed by Mr. E. Foreign countries looked to England as a guide in commercial matters. The abolition of the Bankruptcy Court as a commercial tribunal would tend to lower this country in the estimation of other nations. The power of the Court should be enlarged, and judges of the highest standing, amenable to Government and society, should have absolute authority over the estates and conduct of bankrupts. Such a Court would earn the respect of the public and the confidence of the commercial world. He opposed allowing a majority of creditors to appoint trustees.

Mr. SARGOOD said he could not agree with the views expressed by Mr. Hawes. The opinions of the Chairman coincided with his own experience. The insolvent was trustee for his creditors. The creditors, having put their own assignee in possession of the estate generally, ceased to think any more of it. Commercial men would not look after an insolvent's estate. The estate was therefore worked by the solicitor and accountant. As much money was wasted out of Court as there was in. The Court should be reformed, not abolished. It was dangerous to put the discharge of a debtor in the hands of his creditors. The majority had no right to bind the minority. The system of deeds was a great source of fraud. Referring the conduct of the debtor to the Criminal Court would fail, as his conduct might be an offence against commercial morality, without being a fit subject for indictment in a Criminal Court.

Mr. HAWES, having briefly replied to some of the objections taken to his paper, a vote of thanks was passed to the Chairman, and the Department adjourned to the 29th instant, at eight o'clock.



*University Tests.\**

HON. GEORGE BRODRICK, *Barrister-at-Law, and Fellow of  
Merton College, Oxford.*

THE subject of University Tests is essentially and intimately connected with the still larger subject of University Extension—a subject which is gradually assuming the proportions of a national question. Upon this ground alone it would merit the special attention of this Association, but it is not upon this ground alone that I have ventured to introduce it. For several years past the anomalous nature of the subscriptions required at two older Universities upon admission to their higher degrees or to their governing bodies, to many Academical offices, and to College Fellowships, has been recognised by the public and by the Legislature. Bills designed to remedy one or other of these anomalies were submitted to the House of Commons, with more or less success, in the two last Sessions. There is reason to believe that Bills will be again brought forward with the same object during the Session of this year.† The discussion of to-night, therefore, possesses an interest more than speculative, and may possibly have a practical influence on future legislation.

The tests now in force at Oxford and Cambridge are of two classes—University Tests and College Tests. Let us first limit our view to University Tests, and to such as are imposed upon members of either University.

Until the year 1854, every candidate for matriculation at Oxford was required to sign the Thirty-nine Articles—that is, to sign his own name in a book to which those Articles were prefixed. The subscription was repeated on presentation for the degree of B.A., and again on taking that of M.A., but with this difference, that on these occasions a declaration was made by the party who

\* Read January 26, 1866.

† See note to p. 124.

presented the candidate, testifying that the subscriber had read the Articles, or heard them read, in his own presence. The candidate for these degrees (B.A. and M.A.) was also compelled to subscribe the Three Articles of the Thirty-sixth Canon, being the same which the clergy, until the Act of last year, were compelled to subscribe at ordination. The former of these tests—subscription to the Thirty-nine Articles—had been enjoined by the Earl of Leicester, when Chancellor of the University, in order to exclude the Romanising party; the latter—subscription to the Three Articles of the Canon—had been enjoined by King James I. in order to exclude the Puritan party.\* Both were abolished for the B.A. degree by the 44th section of the Oxford University Reform Act of 1854, the preceding section of which prohibits the imposition of any test at matriculation. The 44th section is as follows: “From and after the First Day of Michaelmas Term, One thousand eight hundred and fifty-four, it shall not be necessary for any person, upon taking the Degree of Bachelor in Arts, Law, Medicine, or in Music, in the University of Oxford, to make or subscribe any Declaration, or take any Oath, or any Law or Statute to the contrary notwithstanding; but such Degree shall not as such constitute any Qualification for the holding of any Office which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree in the said University has heretofore constituted One of the Qualifications, unless the Person obtaining such degree shall have taken such Oaths and subscribed such Declarations as are now by Law required to be made and taken on obtaining such Degree, either at the Time of taking such Degree or subsequently.”

The effect of this provision, thus qualified, is to throw on the bachelor's degree in the faculty of Arts as well as in those of Law, Medicine, and Music, but to exclude non-subscribing bachelors from any offices, whether Academical or extra-Academical, theretofore tenable only by members of the Church by virtue of such degrees. This is the existing state of the

\* Report of the Oxford University Commission, p. 55.

a student may now obtain a complete University education without being subjected to the test of subscription, but he cannot proceed to the superior degrees of Master or Doctor, still less become a member of Convocation, the governing body of the University; nor is he eligible to some even of those professorships which are tenable by laymen.

Nor does this requirement of subscription before taking the important degree of M.A., and the corresponding degrees in other faculties, represent the whole amount of the security against heterodoxy on the part of Masters and Doctors. By the Statutes of the University (Tit. xii., sect. 12), all its members, whatever their degree or condition, are expressly warned against frequenting the meetings of Dissenters, or any form of worship except that of the Church, on pain of a fine for the first offence, of a fine and a reprimand for the second, and of final expulsion for the third. By another provision of the University Statutes (Tit. xi., sect. 3) the Vice-Chancellor is enjoined to send away, beyond the limits of the University, all heretics, schismatics, or other persons who may hold unsound opinions concerning the Catholic faith and the doctrine or discipline of the Church of England, and to check the propagation of such opinions in speeches or in books. For this purpose he is empowered to administer the Articles to any suspected person, and this power has actually been exercised in one notable instance within the last few years. If the party thus so summoned, being a clerk in holy orders, shall refuse to sign, he is to be expelled *ipso facto* from the University. The Vice-Chancellor is further authorised to punish schism judicially, and any one twice convicted of this offence on failing to recant on bended knees in the Convocation House, is hereupon to be banished. All professors are expressly forbidden to inculcate in their lectures, either directly or indirectly, anything that may conflict with the Catholic faith, and instructed not only to warn their hearers against error, but to report them, in the last resort, to the Vice-Chancellor. It may be added, that by another statute (Tit. xviii., sect. 15) those who have disseminated Dissenting opinions are deprived of their



right of appeal, and that graduates of other universities admitted *ad eundem gradum* are expressly disqualified from voting until they shall have made the same declarations and subscriptions are required from Masters of Arts (Tit. vi., sect. i.; Tit. v. sect. 1). Since the Act of 1854, indeed, an University Statute has been passed (Tit. xix., sect. 4) exempting all *Undergraduates* and *Bachelors* who do not belong to the Church from the operation of the penal clauses above mentioned, and forbidding the Vice-Chancellor or any one else to proceed against them on such grounds; but this Statute, it will be observed, leaves all *Masters* and *Doctors* in precisely the same position as before. Not only are they compelled to sign the Articles on obtaining their degrees, but, if residents, they may be required to sign them at any subsequent time, or prosecuted before the Vice-Chancellor for schism. Now, Masters and Doctors are the only persons who have either a vote in Convocation or the right to open a private Hall—a right which only belongs to a member of Convocation, subject to a license from the Vice-Chancellor (Tit. xviii., sect. 1). No one can therefore practically obtain an Oxford education, even at a private Hall, except under the superintendence of a person who has himself signed the Thirty-nine Articles. This it suggests one reason why the private Halls, which cannot of course offer the same advantages as endowed Colleges, have as yet failed to attract the sons of Dissenters.

We have next to consider the tests affecting Colleges in the University of Oxford—a subject which it would be impossible here to follow out into all its details. It is material to observe that Colleges are not, *in the same sense as the Universities*, national institutions, and that so long as they retain their present independence, a large discretion must of necessity be entrusted to their governing bodies. For instance, it would be difficult, if it were impossible, to compel any College to admit Dissenting commoners. Commoners are hardly recognised at all in College Statutes, and the conditions of their admission are virtually regulated by the Head of the College, in concert with the tutors, and under the general control of the Fellows. Scholarships are still for the

most part governed by the terms of the various instruments of their foundation, which rarely contemplate the imposition of any test beyond conformity to College discipline. Here, again, a great deal is and must be left to the discretion of College authorities. It is for them to exact or to dispense with attendance at Chapel services or divinity lectures; and it may be doubtful whether they have not the power, by more direct methods, to confine scholarships to Churchmen. Such considerations as these have an important bearing on the question of opening College Fellowships. Not only are Fellowships the most valuable rewards of Academical success, but in each College the Fellows, with the Head, constitute the governing body, and are trustees of the corporate revenues. The only legislative enactment purporting to restrict Fellowships to members of the Church is the Act of Uniformity, 13 & 14 Car. II., c. 4, which provides that all Fellows and Tutors of Colleges or Halls shall at or before their admission make a declaration of conformity to the Liturgy of the Church of England. This declaration is often, in practice, omitted, but the legal obligation to make it remains in full force. There are, however, some collateral guarantees for the exclusive possession of College Fellowships at Oxford by the Church of England. "In most of the Colleges," says Professor Goldwin Smith, in the Preface to his "Plea for the Abolition of Tests," "the Fellows are obliged, either by the College Statutes or by the Ordinances of the late Commission, to take the degree of B.A. or one of the Superior degrees, for which, as before stated, subscription to the Thirty-nine Articles and the Three Articles of the Thirty-sixth Canon is required. In other Colleges, the Fellowships are expressly confined, either by their own Statutes or by the Ordinances of the Commission, to members of the Church of England. In some cases both provisions occur. In one case only, it is believed, the limitation of the Fellowships to members of the Church of England rests on the Act of Uniformity alone."

It will thus be perceived that the requirement of subscription for the M.A. degree operates indirectly on most College Fellow-

ships, and there is a special clause in the University Statute (Tit. III., sect. 2) requiring all College Tutors to be sincere in their adhesion to the doctrine and ritual of the Anglican Church. A still more stringent clause was introduced by the Commissioners into some of the College Statutes, to the effect that if the Fellow or any Fellow, should continuously cease to conform to the Liturgy, such nonconformity should be a cause of deprivation.

The Cambridge system, so far as relates to religious tests, may be described as one degree more liberal than the Oxford system. Even before the Cambridge Reform Act of 1856, no theological subscription was required from any one on matriculation, but declaration of *bona fide* Church membership was made by one person on or before taking the B.A. degree. By the 45th section of that Act it was provided that no person should be required upon matriculating or upon taking, or to enable him to take any degree in Arts, Law, Medicine, or Music, to make any declaration or subscription whatever. No one, however, was thereby entitled to become a member of the Senate (the governing body of the University), or to hold any office therein tenable only by a Churchman and by virtue of such degree until he should have made a declaration of *bona fide* Church membership. The title of M.A. may thus be obtained at Cambridge without submitting to any religious test; but the important privilege of the franchise does not attach to it unless a claimant shall have given security for his fidelity to the Crown of England. In some other respects, however, and especially regard to their capacity to open private Halls, Dissenters are placed in a more favourable position under the Cambridge Act than under the Oxford Act. The former enables "any member of the University, of such standing and qualifications" as the University herself may prescribe, to become the Principal of a Hall, or "Hostel," under a license from the Vice-Chancellor, whereas the latter expressly confines this power to "any member of Convocation."

The admission to College emoluments at Cambridge is governed by the same general rules as at Oxford. The Act



Uniformity, disqualifying Nonconformists for College Fellowships, Tutorships, and Headships, applies equally to both Universities. A clause rendering Fellows liable to deprivation for "open secession from the Church of England," is to be found in many of the new College Statutes at Cambridge, as it is at Oxford. At Cambridge, too, as at Oxford, certain expressions occur in the declarations made by Heads and Fellows on their election which imply a protest against doctrines of the Romish Church. Here again, however, Cambridge is somewhat less exclusive than Oxford; for the 46th section of the Cambridge Act opens all College scholarships, exhibitions, and other endowments available by Undergraduates, without reference to religious belief. In practice, declarations on this subject are seldom, if ever, exacted from candidates for scholarships at Oxford, obedience to College discipline being the only test imposed. Still the legal power to exact them, if any, is left untouched by the Oxford Act, while by the Cambridge Act it has been definitely abolished. Of course a discretionary power of enforcing or remitting attendance at chapel and divinity lectures belongs at Cambridge, no less than at Oxford, to the College authorities. It has recently been exercised by several Colleges at Oxford in favour of Roman Catholics, and by one of the most eminent Colleges at Cambridge in favour of Jews.

Each, then, is the measure of the Academical privileges and College emoluments conceded to Dissenters at Oxford and Cambridge respectively. At the former, the University Statutes, repealed by the Act of 1854, preclude their obtaining an M.A. degree or taking any part in the government of the University; at the latter, they may, indeed, take the M.A. degree, but they cannot, without making a declaration of *bonâ fide* church membership, belong to the governing body. At both, they are disqualified from becoming candidates for College Fellowships, unless willing to make the declaration of conformity, after which (at Oxford, at least), they must, in most instances, proceed to the M.A. degree, and then sign the Thirty-nine Articles on pain of forfeiting the Fellowship.

To remove these two kinds of disability, two measures have been proposed, the one applying to Oxford only, the other to both Universities. By the Oxford Tests Bill, introduced by Mr. Dodson in 1864, and again by Mr. Goschen in 1865, it was proposed to throw open the M.A. degree, with the vote in Convocation attached to it, to all persons, irrespective of their religious faith. Inasmuch, however, as such an enactment, unless qualified, would have incidentally thrown open all offices, both Academic and extra-Academic, for which that degree may be the only theological qualification—a proviso was appended to, obliging those who should be appointed to such offices to sign, not the Articles, but a declaration of *bonâ fide* Church Membership. The policy of this proviso was much questioned at the time, on the ground that it involved the enactment of a new, though, as many thought, a less burdensome test, and gratuitously limited the operation of a great principle. It was retained, however, and the Bill having been lost by two votes only in 1864, was carried by a considerable majority on the second reading in 1865. It was afterwards withdrawn by the mover, on finding that it could not pass into law before the dissolution of Parliament. The other Bill, simply repealing so much of the Act of Uniformity as relates to College Fellowships and Tutorships, as introduced in 1864 by Mr. Bouverie, and has met with a similar fate.\* Both originated in petitions signed by some of the most eminent members of the two Universities, resident as well as non-resident, and received the hearty support of the Nonconformist body.

The limits of this paper do not permit me to discuss that which is, to many, the most interesting aspect of the Tests question. Whether it be consistent with the progress of theological science, that dogmatic formularies, drawn up at the Reformation in times which bear the stamp of a compromise, should be imposed on any Churchman in our own generation; whether, even if imposed

\* A Bill, of which the general object is the same as that of Mr. Goschen's Bill, has been introduced in the present session by Mr. Coleridge, Q.C., and another Bill for the relief of Fellows of Colleges has been introduced by Mr. Bouverie.

to the clergy, they need also be imposed on the laity; whether it can be right or reasonable to make freedom of inquiry equally possible for ordained clergymen and for persons who contemplate taking orders; whether the effect of subscription upon young men entering or leaving the University, be to secure the purity of their faith, or to weaken their sense of moral obligation; whether, in short, these tests be at once futile in restraining thought, and mischievous in blunting conscience, within our own reach—I shall here forbear to consider. It is with their operation in excluding from the University those who are outside the Church that I have now to deal.

From this point of view, the principle of the Oxford Tests will in other words, the principle of a free University, seems to rest on deep and firm grounds of justice and expediency. Historically, our Universities are national, and not Anglican institutions; legally, they are lay, and not spiritual, corporations. The propositions are not only laid down in our text-books of law, they are not only confirmed by the fact that both Universities were founded long before the Church of England had any existence, and that at both the lay members have always outnumbered the clerical members, but they constitute the only valid justification for the unique privileges of these two educational bodies. The very idea of an University in the present day, upsets and excludes that of a clerical Seminary, and even that of an Academy open to students of all religious communions, but reserving its highest degrees, its tutorships, and its professorships for one communion only. Such an idea may, indeed, have been natural in that age when the University, like the State itself, recognised the moral supremacy of the Church when the Church was Catholic in reality as well as in name, when the clergy enjoyed a monopoly of learning, and when secular knowledge was the handmaid of theology. It might be plausibly entertained in the age of Leicester or the age of Laud, when statesmen as well as ecclesiastics still indulged in the hope of making the Church of England coextensive with the English people. Those ages have passed away, never to return, and with them the only



presumptive reasons in favour of such a connexion between Church and the University as would justify the refusal of degrees to Dissenters. That refusal has already been condemned by the Legislature, so far as regards the bachelor's degree in the four lay-faculties, and at Cambridge even the M.A. degree has been thrown open, though without the rights belonging to it. In short, the *presumption* is now entirely in favour of educational liberty at the Universities, and it remains to examine the arguments, of very unequal weight, that have been urged to rebut this presumption.

It is said, in the first place, that although our Universities are national institutions, they are national only in the same sense in which the Church is national, and not in that of being properly accessible to all, without distinction of creed. This objection refutes itself, the truth being that our Church, though not such as Laud would have had it, is far more comprehensive and less exclusive than our Universities. Granting that a State Church is for the public good, and that our own is the most potent engine of enlightenment in this country, it does, in theory, embrace all without exception, and it does, in fact, tender all its ministrations and ordinances to the laity without requiring any test of orthodoxy whatever. So long as there is a national Church, a national University ought, at least, to be coextensive with it, welcoming every subject of the realm who is willing to conform, and admitting him, as of right, to its privileges. This is exactly what the University of Oxford, thanks to the profligate nobleman, who, as Chancellor, introduced subscription to the Articles, has hitherto failed to do. "It certainly is singular," as the Oxford commissioners remark, "that a lay corporation should require from laymen, simply as a condition of membership, that which the Church of England does not require for participation in its most sacred ordinance." It is surely more singular still that after the clergy themselves have been relieved of subscription to the three Articles of the Thirty-sixth Canon, and the ratification thereof, containing the preposterous assertion that Queen Elizabeth was Queen of France, a lay member of Oxford

still be compelled to sign them on taking his M.A.

Other and more practical objections are entertained by those who freely acknowledge the educational claims of Dissent, and the absolute right of Parliament to deal with the constitution and endowments of Oxford and Cambridge, as it affected, at the Reformation. They allege that, whether the two Universities be the property of the Church, or the property of the nation, it is for the public interest to maintain the integrity of their peculiar connexion with the national Church. This connexion they consider to be the sole guarantee for religious teaching, and the one safeguard against a purely secular system of education. Hence, while they are prepared to receive Dissenters as students, they shrink from giving them a share of governing power, if not from allowing them to receive those higher degrees which are the symbol of complete political citizenship. They would therefore prefer the establishment, however costly, of new Dissenting Universities, to the admission of Dissenters on equal terms at Oxford and Cambridge. Some who thus think deny the existence of any considerable demand for University education, as it is there understood among the leading bodies of Dissenters. Others apprehend an overwhelming influx of persons hostile to the Church. Others, however, agree that if Dissenters should once gain a seat in the Oxford Convocation, or the Cambridge Senate, and, more, if they should become fellows or tutors of colleges, the case of "religion and learning," would be seriously prejudiced. Rather than risk such a consequence they would retain the restrictions, which they know and admit to press heavily on the consciences of some good Churchmen, and lightly enough on the consciences of some who have ceased to believe in Christianity. This class of objections owes its force, in a great degree, to a distinction between the idea of a free University, and the idea of free Colleges. Now, the University might be perfectly free to receive members of all denominations, or of no denomination, and

yet might contain within itself any number of denominational Colleges. Were all University tests abolished, except for theological degrees, and the privilege of opening private halls of founding Colleges granted to Churchmen and Dissenters, it is not only possible, but highly probable, that each religious body would have an establishment of his own. Those Wesleyan or Baptist parents who might object to their children being educated by tutors, and mixing with companions, of a different communion, would naturally prefer a Wesleyan or Baptist College imbued with Anglican traditions, or to a lodging-house under no spiritual or moral superintendence. The prevalence of the latter system, however, at Edinburgh and Glasgow, to speak of the London, or the Continental Universities, is at least that, in the opinion of a highly scrupulous people, not so perilous to the morality of students, as its English opponents represent. But this is not the present question. The question is whether any just rights of the Church of England, or the interests of religion, are endangered by offering the benefit of education at Oxford and Cambridge, without a vexatious or humiliating reserve, to all who may choose to avail themselves of it. The answer is self-evident. The Church has no more right, as we have seen, to a monopoly of the Universities, than she has to a monopoly of Parliament. Her superiority in wealth and learning will secure to her, so long as it lasts, a legitimate ascendancy in both, and her best friends will ask no more. No one acquainted with Oxford or Cambridge society can seriously believe that young men frequenting the same professors' lectures, but not even residing in the same College, would devote themselves to proselytising each other. Such a danger, however, were it real, must inevitably result to the advantage of the Church, which for many years past must be far more than a match for Dissent in an area occupied by herself, and possesses an exclusive command of the faculty of theology, and the University pulpit. But the danger is wholly unreal, and there is really something absurd in the University, which puts the works of Grote and Mill in



of young Churchmen, trembling at the prospect of their coming into contact with the followers of Wesley, or Robert Hall. It is far more likely that an infusion of Dissenting undergraduates would tend to subordinate theological disputes to the great work of education. It is precisely because Oxford is so thoroughly clerical, that questions which belong specially to the province of divines have there become topics of general discussion, propagating the odium theologicum among future statesmen, scholars, and men of science, and clouding with the mists of scepticism the minds of youths still fresh from school. Most true it is, as Mr. Goschen pointed out in his recent speech on the Oxford Tests Bill, that free inquiry and the pursuit of truth are no less the functions of an University than mere instruction. That inquiry, however, should at least be rational. It is most profitably carried on by mature instructors, and especially by those who, filling professorial chairs, are charged with the duty of guiding the progress of thought in various branches of knowledge which they represent. It is the predominance of the clerical element, acting at once in opposite directions, which dwarfs the learning of our professors, and stimulates into morbid activity the speculative faculties of our students.

The admission of Dissenters to existing Colleges involves, it is to be confessed, greater difficulties; and these difficulties are overlooked by those who, nevertheless, desire to remove restrictions imposed by the Act of Uniformity upon the tenure of University Fellowships. The fear of secularising University education is almost unmeaning, for with the exception of a few isolated questions on Scripture and the Articles, an Oxford education, as represented by the University examinations, is almost purely secular. Colleges, on the other hand, do much, by means of divinity-lectures, chapel-services, and the personal intercourse of tutors with pupils, to give a religious character to education. It would be possible to exaggerate the effect of such influences, but it would also be possible to deprecate it unduly, and it may well be conceded that if the Non-

conformists could not be admitted to collegiate emolument without banishing religion from the College system, it would be a very strong argument against admitting them. Happily such dilemma is presented to us. The principle of Mr. Bouvier's Bill is, as it ought to be, permissive. It would not compel the governing body of a College to elect a Dissenter as Fellow, but would only enable them to do so, if they thought it for the interest of the foundation as a place of religion and learning. To suppose that a Dissenter, being elected, would endeavour to substitute the form of worship to which he had been accustomed for that of the Church of England, or to propagate heterodox views among the undergraduates, is to suppose that which is contrary to all experience. It is, indeed, notorious that differences of religious opinion prevail within the pale of the Church, compared to which those which divide Churchmen from the great majority of Dissenters are as nothing. Scotch Presbyterians have already found their way into Oxford common-rooms without disturbing their harmony or plotting treason against the doctrine and ritual of the Church. The truth is, that a liberal and liberal education, such as can alone enable a man to contend with success for an open Fellowship, is all but a sovereign antidote against sectarian prejudices. There is not a more enlightened and conscientious body of men than the younger members of Colleges at both Universities, nor would they be less enlightened and conscientious if they represented the *élite* of English graduates instead of representing only the *élite* of Anglican graduates. Such men know the difference between dogmatic theology and practical religion. They can and do agree to differ upon many points of opinion, but they do not hold the creed of secularism, and may well be trusted to make such arrangements for religious teaching and public worship as would be satisfactory to the parents of their pupils. Not only religious influences can only be exercised by tutors. At this moment the most powerful religious influences at Oxford are neither University influences, nor yet College influences; they are the influences of earnest men, belonging to various schools

gy, and owing their authority entirely to their own personal  
ies.

Hitherto we have proceeded on the assumption that a real  
considerable demand for University education, as it is  
stood at Oxford and Cambridge, does exist among the  
nonconformists of England. But is this assumption true? Is  
the fact that social as well as theological barriers divide  
great mass of Dissenters from Churchmen? Would not  
unprofessional character of Oxford studies, and the age  
which they are prolonged, as well as the strict conditions  
of residence, deter many, even of the wealthier Dissenters, from  
sending their sons thither? Does not the formidable rivalry of  
"Oxbridge" deprive more young men, especially in Lancashire,  
of University education, than any impatience of religious  
differences? Does not the expense, or supposed expense, of such an  
education, keep away still more, whose parents might otherwise  
overcome their religious scruples? Have not the more superficial  
reference to the Anglican *tone* of Oxford and  
Cambridge rather than to any practical disabilities of Dissenters,  
and not the aversion to this tone nearly connected with an  
aversion to the aristocratic prestige and mediæval associations  
of the ancient seats of learning? Have not the deeper of them  
aversion, not to the dominant Anglicanism of either University,  
but to the sceptical spirit which is known to be abroad in them,  
especially in Oxford? Do not many of the most religious  
and respectable Dissenters look upon Oxford with horror, not  
as a nursery of vice and extravagance, but as a hotbed of  
immorality? Do not some even of the more liberal Dissenters,  
most of the Roman Catholics, dread the idea of unsectarian  
education, as if it involved that of exclusively secular, or still  
more of irreligious education? Do not persons of this class, like  
the hierarchy of Rome, esteem independence of thought a more  
deadly enemy than dogmatic heresy, and tremble to send forth  
their children, as lambs among wolves, into the wilderness of  
free philosophy?

Let all these questions be answered in the affirmative, yet the



duty and policy of abandoning the tests in question remain the same as before. Oxford and Cambridge are no longer what they were, however unlike what they might and will be. Side by side with the movement for the abolition of tests is a movement of which the object is to make the Universities national in every sense of the term. Much has already been done at Oxford, and much more is likely to be done, in this direction. As Oxford education becomes, as it does every day, less scholastic and more truly liberal, it must be and is more and more highly prized by those commercial classes to whom England was but lately a country without Universities. There are no classes who more specially need, did they but know it, that moral and intellectual discipline which Oxford can supply, for it is these which command the great centres of population, and are themselves the great employers of industry. There may be other obstacles and prejudices which repel them, but the existence of tests is assuredly a chief stumbling-block. Tests are to them a badge of Anglican ascendancy, an indication that Oxford postpones the interests of education to the interests of the Church—the Church of the aristocracy and the idle classes. Break down this barrier of suspicion by an unreserved invitation to share the benefits of the University—remove the source of this mistrust and prejudice by a signal public act of conciliation—enable the Universities to come forward and undertake the guidance of national education—and the Dissenters of the money-making classes will, for the first time, have the choice fairly presented to them between an early apprenticeship to commercial pursuits, and that higher culture which Oxford professes to give. Their present indifference to this culture is not wholly unreasonable. Looking at Oxford from outside, they see that she is not, in the same sense or degree with the German Universities, the centre of intellectual life to the mind of the nation. The great luminaries of modern science, the great inventors and engineers whose names are known throughout the civilised world, the most original philosophers, are not, for the most part, University men. With some brilliant exceptions, our University professors do

enjoy an European, or even a national, reputation, nor are many persons at either University devoting their lives to the prosecution of any one study. The wealthier and more intelligent Dissenters perceive all this, and observe too, that, at Oxford, the sincere friends of education are constantly outvoted even on educational questions, by a majority who do not conceal their hostility to whatever favours intellectual progress. Failing to see the amount and quality of the educational work done, in spite of all this, and not appreciating the subtler influences brought to bear in such a society on the least worthy members, they draw the erroneous, but not groundless, conclusion that Oxford is not in earnest about education, but is only too highly in earnest about the interests of theological parties and the State Church.

If this be so, and if our two ancient Universities be worth maintaining as national institutions, it is surely an object of paramount importance to encourage the popular demand for University education, and to place University education under the searching influence of public opinion. By this single measure both these objects will be promoted, to the benefit, as I have striven to show, of the nation at large and of the Church herself. It is indeed, probable, nor is it desirable, that hereditary anti-university and conscientious objections on the part of Dissenting members should be overcome at once. It is far better that a change involving so much should be wrought out by an extended gradual process, and that our own generation should not anticipate the problems reserved for its successor. For years to come, were the Universities and the Colleges ever so free to Dissenters must form a very small minority in either. If they hereafter become more numerous and influential we can at present venture to anticipate, it will be a proof—that they ought never to have been admitted, but rather that the lower class than we now suppose has been hitherto excluded from all that is implied in University education; an admission, with all its faults, the highest in this country, and the basis of a development to which no limit can be assigned.

For our Universities, let us remember, have a mission of their own, and it is a mission as sacred and as responsible as any can be confided by society to an independent body. To fix directly the mental habits of the governing class, to regulate directly the educational standard throughout England, to proceed with authority over the advancement of learning, to assign the relative value to different sciences, exalting some to honour and consigning others to neglect, to correct by a sound philosophy the intellectual vices of an utilitarian age, to bear an undying witness to the supreme value of truth—these are amongst the highest functions which legitimately belong to our Universities, and cannot be perfectly discharged till the last vestige of ecclesiastical monopoly has disappeared from their constitution.

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#### DISCUSSION.

First Meeting of the Education Department, Friday, January 2, 1866; G. J. Shaw Lefevre, Esq., M.P., in the Chair.

The minutes of the last meeting were read and signed as correct.

On the reading of the foregoing paper by the Hon. George Brodribb.

Mr. JAMES HEYWOOD, F.R.S., thought that the main difficulty lay not so much with the Universities, as with the Colleges, especially in the necessity to attend chapel, insisted on by the latter. So long as this remained, the abolition of University tests would not do much. He was in favour of some form of prayer to be substituted for the present, similar to that used in the House of Commons.

Mr. WESTLAKE said that the retention of university tests was connected with the fallacy that because the Church of England was established the State was bound to promote its interests. The truth was that, in establishing a single form of religion, the State ought not to look to its being that of the majority, and to its having a civilising and moralising tendency. Should any other form fulfilling the latter condition come to fulfil the former also, it would have a better right to be established, if any is to be so, than the present one; and it was no business of the State to interest itself either in preventing or in promoting such a change of opinion. Neutrality in respect of religious opinion was therefore the duty of the State with regard to the universities and colleges, and every test imposed on them by Act of Parliament, or introduced into their statutes in former times by royal authority, as in the case of the regulations made at Oxford by the earl of Leicester in Queen Elizabeth's time, ought at once to be repealed. Then arose the question of college discipline, and the matter of chapel service; and certainly, if the neutrality of the State were strictly carried out as before laid down, the colleges would to a great extent be free to take their own course about such things. But this was not to be regretted, nor was it desirable, as had been suggested, that Parliament should sanction a special form of service in which many controverted points might be waived. The colleges would



be able legally to narrow their foundations by perpetuating or inducing, whether by bye-law or by systematic practice, limitations in elections which Parliament had abolished; and all matters of internal government might safely be left, subject of course to Parliamentary interference in case of proved necessity, to numerous and learned men recruited by unsectarian election; for learning produced a liberal spirit, which would be little likely either practically to restrict, or exactious rules about chapel service or otherwise, any freedom which the law might leave, or, as some feared, to abuse practical freedom as an admission into and conduct at the colleges by turning them into centres of theological controversy. Perhaps the amount of change which would be produced in the colleges by the abolition of tests in England had been somewhat underrated, looking to the number of Dissenters who, after taking high degrees, had recently foregone fellowships for conscience sake at Cambridge; but even if at some colleges there should be different chapel services at different hours, this might be placed without inconvenience, when the law aided instead of thwarting the liberal spirit which was fostered by scientific and literary studies.

Mr. EDWARD WEBSTER said the question was whether there ought not to be in a national university any impediment whatever to freest, fullest, and most unfettered progress of the human mind, "in theology and science." He thought that a very large portion of the vice of this country was owing to the reasonable faculties being cramped down in so many schools by the arbitrary mode in which the young were instructed in matters of religion. With respect to the governing bodies in the universities, it was his opinion that there ought to be no tests whatever except those of moral character and academical standing. Students should be left to attend whatever form of worship they pleased, and all should be made subservient to the progress of truth. The Rev. F. D. MAURICE considered that State restrictions should be removed, leaving the colleges to do what was reasonable, and the law was to prevent abuse of power. The removal of these restrictions, as to admission to the universities and the governing bodies, was more likely to insure the stability of the Church than not. These tests were untenable, unwise, and unrighteous. There should be no possible limitations or restrictions to the admission of any person to those places where the best education could be obtained.

Mr. FREDERIC HILL said that opinions in favour of the university tests which he knew, held by a large number of persons, and in a discussion of this it was very desirable that they should be represented. On behalf of the Society he might say that it does not assemble in order to profess any given creed, but carefully to examine subjects with a sincere desire to arrive at the truth; and that the Society therefore wish to hear both sides of the question. He would trouble the Society with a summary of the thoughts that had occurred to him. Whenever a question arises as to the propriety of any existing law, it is useful to consider whether it is likely that, if the law were not in the statute book, any one would propose its enactment; and if we come to the conclusion that no one would do so, we may be pretty sure that the law is unsound. Applying this rule to the university tests, he thought it would be felt to be greatly against them; that if we had them not, no one in this

year of 1866 would venture to propose them; and that, though nevertheless they may be really expedient, probabilities are not in the favour. As to the principle on which they are founded, if that principle be correct, why should it be thus limited in its application? If when a young man applies for the degree of Master of Arts—that is, in effect, for a certificate that he has made certain acquirements in education—it be proper to inquire into his belief in the Thirty-nine Articles, it seemed to him that it would be equally wise and relevant to do so when he asks for a formal statement that he is six feet high, or that he weighs ten stones and a half. In each case such inquiry was, to his mind, both in the legal and ordinary acceptation of the term, *impertinent*. The inquiry may be very good in its right place—that is in the case of divinity students belonging to the Established Church and undergoing a divinity examination—but surely not in matters wholly unconnected with such subjects. But the opponents to the abolition of the university tests endeavour to alarm the country by foreboding terrible evils if these tests be done away with. On this point, however, I would remind them that they did exactly the same thing when other tests—those included in what were called the Test and Corporation Acts—were abolished; again when Catholic emancipation was conceded, and again when Jews were first admitted into Parliament; I we all knew that the predictions utterly failed, and that by these alterations the State, which was to have been weakened and destroyed, became stronger than ever. These gentlemen should therefore now, I thought, become a little modest, and, from the ignorance they have shown on former occasions, admit, to themselves and others, that they may be in ignorance also at present.

The Rev. W. H. FREEMANTLE thought discretion should not be entrusted with the fellows to elect the fellows, except on the ground of moral disqualification. He objected to the view that the colleges were more national or more ecclesiastical than the universities. He thought that the larger colleges might be trusted, but not the small ones.

Mr. DIGBY was in favour of keeping colleges and universities separate. It would be a great advantage for colleges to elect their own fellows. He thought that it would be very difficult to justify the existence of non-resident fellows, and at any rate they should only be permitted on the condition that after a certain number of years they should vacate their fellowships.

Mr. HASTINGS thought that, in dealing with this question they should look to the interests of Churchmen no less than those of dissenters. The abolition of these tests would be a boon to the members of the Church graduating at the Universities, and on that ground he supported the views enumerated in the paper. With regard to non-resident fellows, this meeting, at any rate would feel that there is no one non-resident fellow who had amply justified his existence, and he would move “That the thanks of the Department be given to Mr. Brodrick for his paper, and that the same be received, printed, and circulated among the members.”

The Rev. W. L. CLAY seconded the motion.

After some observations from Mr. Brodrick and the Chairman, the motion was put and carried unanimously.

The Department then adjourned.

*An Improved Constitution of Local Governing Bodies, and on the Legislation on Local Subjects which may be safely and beneficially transferred to them.\** By THOMAS HARE.

THE progress of population and wealth, the activity of commerce and intercommunication, the discovery and employment of new methods of labour, requiring large combinations of means and their scientific application, and the changes which the face of the country is undergoing from these and other causes, are now constantly requiring the creation for local purposes of new powers greater than those which fall within the ordinary principles of jurisprudence that govern individual rights. Every successive year it becomes more and more difficult for Parliament to deal properly and beneficially with the innumerable local matters on which legislation is called for. During the last twenty years several public Acts have been passed conferring, under various conditions, powers of local government which before that time could only have been obtained by special Acts. Into the operation of these general Acts, among which I may enumerate the Markets and Fairs, the Town Improvement, the Public Baths and Washhouses, and the Town Police Acts of 1847, the Public Health Act of 1848, the Burial Act of 1857, and the Local Government Act of 1858, I do not intend at present to enter. My purpose is to consider the powers which may be given to the governing bodies of corporate cities and towns now existing, or which may hereafter be created, and the constitution of such municipal bodies; and as the greatest example of such a municipal corporation, and one which should be a model for all others, I shall venture to lay before you the draft of a Bill for creating a metropolitan municipality.

Some of our provincial towns at this day, having regard to

\* Read February 14, 1866.



their wealth and population, and to the intelligence and culture of their inhabitants, are not inferior to many communities which in an earlier stage of European history stood in the rank of dependent States. They are greater in magnitude than the City of London was at the time when it acquired its extensive local privileges. I believe, the more closely the condition and wants of society are examined, the more clearly it will be seen to be necessary that our cities and towns should be everywhere trusted with the most comprehensive powers for public improvement, and for the promotion of every beneficent object, educational, moral, and physical, within their boundaries. I will not stop to dwell on the expense of local Bills, or on the impossibility, from their number and the character of their details, that they can have that attention in Parliament which their importance requires; or the extreme difficulty of bringing before Committees the true facts and bearings of questions on local works, or the considerations and arguments for or against their allowance or rejection, which ought to prevail—reasons which in the most part are perfectly well known to the inhabitants of the locality. The failure of the evidence commonly given before Committees to convey the true facts in contested matters is now almost proverbial. In railway legislation it has been remarked that a certain number of great companies have parcelled out England and Wales between them, and bring forward schemes in their own interest, the public interest being wholly lost sight of; and powers are conceded to them upon evidence justly characterised as unexampled in any other time or place. Experts of all kinds are called to depose to one thing one day, and the very contrary the next day, their ingenuity being exercised to distinguish the cases, whenever the contradiction is likely to be exposed. Gas companies, water companies, and other bodies seeking special powers, all more or less employ the same means of success. Well constituted local governing bodies would determine on the necessary and useful public works required in the locality, in an inexpensive and far more satisfactory manner.

The object to be sought is not merely means of accomplishing works for the public advantage when the desire for them in local governing bodies is sufficiently strong to produce the effort, but such an organisation as shall give to all the latent forces existing in each community in the shape of aspirations for improvement of every kind, their proportionate measure of political power, and thus overcome inertness and indifference, and stimulate and encourage effort. The governing body should accurately represent the interests of the town and of all the inhabitants of the town. This necessity we have lately felt in the discussions before this and other associations, on the means of meeting the insufficiency of fit dwellings for the working classes, and of overcoming the legal as well as practical difficulties in the way of their increase and improvement. Nothing perhaps at this moment more seriously affects the educational and moral condition of the great masses of the population in our cities and towns than the state of their dwellings. The first question to be answered has been,—To whom shall authority be committed to deal with property compulsorily, where it is needful for such improvement? Common sense at once points to the local governing body—the municipal corporation, as the proper authority. One of these corporations, Bradford, under the advice of their town clerk Mr. Rayner, is about to go before Parliament with a Bill for the establishment of a Municipal Savings Bank, by which the corporate interests of the town and the interests of depositors would both be promoted; the former by obtaining funds for public improvements at a lower rate, and the latter by obtaining higher interest than they now do. I do not see why such a scheme might not be indefinitely enlarged, with benefit to all classes of the inhabitants. The municipal corporation might be the building-society of the town. The financial success of such societies when framed on sound principles, is now a well-known fact, and the town corporation might be the receivers of the instalments of the working-classes for the purchase of their own dwellings—dwellings which the same corporation may have power to construct whenever necessary. In these

operations they may moreover be safely assisted by loans from the State on the guarantee of the municipal rates, thus offering a high inducement to activity in raising the condition of the lower classes, that it would not improbably lead to a salutary competition of one town with another for such advantages. I mention this as an important example only, of the action of local governing bodies, perfectly representing and identified in interest with all classes of the inhabitants. Another example I will also refer to—that is, the charitable endowments for the benefit of the inhabitants of corporate towns, educational or eleemosynary. In consequence of some undefined distrust in the Legislature of the new local governments it was about to create in 1835, the management of the charitable funds possessed by their predecessors was taken from the reformed municipalities and given to persons appointed by the Court of Chancery. These trusts might be wisely restored to the proper local authorities.

Before the municipal corporations are intrusted with these extensive powers, it should be clear that they are so constituted as to entitle them to public confidence. How it falls short in this respect, in the estimation of the Legislature, is not only shown by its action in 1835 with respect to charities, to which I have referred, but by a Report of the Select Committee of the House of Lords in 1859 on the Municipal Franchise. That report mentions one ward in a corporate town in which the minority of voters represents property of the value of 26,000*l.* a year, and the majority property of 4000*l.* a year; and another in which 302 voters, rated in the whole at 661*l.*, are able to control the elections, where the entire rating of the ward is 16,000*l.* In a northern town the Report says, of 5300 voters, 1000 pay on 27,000*l.*, and the remaining 4300 on no more than 7000*l.* It is possible, in fact, that there may not be a single owner of real property beyond a tenant from year to year, or at will, in the electoral constituency. The instances collected in the Lords' Report, however, will sufficiently suggest the objections which would have



and for on behalf of town councils under their present constitution.

The amendment which I propose is, that the town councils be elected, as to one-third, by the owners of property, and two-thirds by the occupiers, in the manner in which I have fully pointed out in the draft Bill for the Municipal Government of the Metropolis, to which I will now pass.

Mr. Horton, in his pamphlet\* on this subject, has shown that various administrative divisions of the capital, for ecclesiastical, parliamentary, poor-law, registration, local management, revenue, building, police, county-court, post-office, and militia purposes, are no less than twelve in number, every one differing from the rest in boundary; and he proposes a principal division into eleven cities and boroughs, subdivided into ninety-nine wards. It is not in opposition to this suggestion, which appears to me to have much to recommend it, but rather in furtherance of it, providing adequate legislative machinery by which it can be effected, that I address myself at present to the subject of the constitution of the body which shall preside over the entire metropolis, and take the place of the Metropolitan Board of Works, and be invested with further powers, which, when exercised with the assent of the Secretary of State, shall, as to matters within the metropolitan area, be nearly if not entirely equal to those of Parliament itself. The subdivision of the metropolis will thus be brought within the entire jurisdiction and control of a permanent metropolitan convention, composed of the persons the best qualified to deal with it, and correct it whenever necessary.

The present constitution of the Board of Works is founded on the Report of the Commissioners on the Corporation of London printed in 1853, and whose Report was made in 1854. Notwithstanding the high respect due to the authority of these Commissioners—and to none could there be higher respect due—I do not encounter if legislative powers affecting property were

\* Municipal Government of the Metropolis. Hardwicke, Piccadilly.

must take leave to examine the reasons which they give for recommending the creation of a corporation of the entire metropolis. They say, first:—

“If the precedent of the Municipal Corporations Act were followed absolutely, it would be necessary not only to alter the constitution of the corporation, but to advance the boundaries of the City until they surround the entire metropolis—a process by which 723 acres would be converted into an area of 78,029 acres, and an assessment of 935,000*l.* into an assessment of 9,964,000*l.* A change of this magnitude would, as it seems to us, defeat the main purpose of municipal institutions. London in its full extent is a province covered with houses; its diameter from north to south and east to west is so great, that persons living at its furthest extremities have few interests in common; its area is so large that each inhabitant is in general acquainted only with his own quarter, and has no minute knowledge of other parts of the town. Hence the two first conditions for municipal government, minute local knowledge and community of interests, would be wanting. The enormous numbers of the population, and the vast magnitude of the interests which would be under the care of the municipal body, would likewise render its administration a work of great difficulty.”

Upon this I must remark that the corporate body elected by the people connected with each parish and district would naturally form committees to whom the business of the locality with which they were specially acquainted would be referred, and in accordance upon their reports the aggregate body would have the benefit both of the local knowledge of the committee and the general knowledge of the whole. If the knowledge and qualification of the members of the municipal body be insufficient, where are they to be found? A committee of the House of Commons must be still more incapable.

The second reason assigned by the Commissioners, I confess, I have always thought scarcely to deserve statement, considered in the light of a difficulty. They continue:—

“It may be added, that the bisection of London by the Thames furnishes an additional reason for not placing the whole town under a single municipal corporation. All roads, streets, sewers, gas-pipes, and water-pipes, in short, all means of superficial or subterranean communication which run in continuous lines from north to south are necessarily stopped by the river. Many of these are, directly or indirectly, the subject of municipal control; and therefore a municipal body which governed the metropolis both north and south of the Thames would find that the continuity of its operations was, in many respects, broken off by natural circumstances.”

It is not easy to see why operations on one bank of the river may not cease, and be resumed or not as occasion shall require on the other bank, without forming any obstacle to the vesting of powers in the same body to deal with both sides of the stream. The Government of Paris is not impeded by the Seine, nor that of Lyons by the Rhône and Saône. Whether the division by river may not admit of the establishment of two municipal corporations, one for North London and the other for South London, without materially impairing their joint efficiency, is another question.

The Commissioners thus conclude:—

These observations appear to us decisive against the expediency of placing the whole of the metropolis under a single municipal corporation, without adverting to those more general questions of public policy which naturally suggest themselves in connexion with the subject.

I do not pretend to discover the reason here adverted to. It is a ratiocraft which I do not comprehend. It seems to me that when any great object is to be accomplished, there is no higher wisdom than to confer upon those to whom its performance is committed the most ample scope and power for the exercise of judgment and discretion, and to strengthen that judgment and discretion by every practical means. I apply this alike to the individual, to the local corporation, and the imperial Government. I seek the means of giving to the individual the most unlimited and unfettered choice of his representatives, and a sense of personal responsibility in its exercise; to the municipal corporation the widest and most unimpeded power of action which, by its capacity for good, shall attract and include the best and most able-spirited mind of the locality; and to the national Legislature, a concentration of the result of the intellect and moral as well as the material force of the kingdom. I desire only to enforce the precept expressed by a great poet of our time—

Deliver not the tasks of might  
To weakness.

In support of the Bill which I now lay before you, I hardly need however, to controvert any of the arguments of the Cor-



poration Commissioners ; I am only taking up their recommendations where they left them. They conclude by saying that while they have abstained from recommending an extension of the boundaries of the City, by which it would include the entire metropolis, they had proposed such an arrangement as would enable the corporation to form a part of a general metropolitan system.

I simply propose to give a more complete constitution to the federal government, if I may so call it, which they advised. In this proposal I am strengthened by the authority of a Select Committee of the House of Commons on Metropolitan Local Legislation, appointed in 1861. In their report they state that, on the evidence before them tended to show that the Metropolitan Board, as then constituted, was fully competent to discharge its duties, greater authority would in their opinion attach to its deliberations, if its members were elected by the ratepayers directly. This was substituted for a paragraph which proposed to recommend that the Board should be elected directly by the community, and not indirectly by vestries and district boards, and that provision should be made for the better representation of all classes of the inhabitants, as well as of property.

A short Bill would carry into effect the objects both of the majority and minority of that Committee. The following exhibits most of its essential provisions :—

An Act for the Election of the Lord Mayor and Council of London and for vesting in them the Local Government of the Metropolis.

WHEREAS the population and extent of the metropolis of this Kingdom has for many ages been and is still increasing, and divers laws have from time to time been made and passed for the administration and government of several parishes or districts thereof, and subsequently by the Metropolis Management Act of 1855, for conferring various and extensive powers on the Metropolitan Board of Works; and whereas it is expedient that greater powers should be vested in the governing body, and to that end that it should possess the public confidence; and all persons, companies, corporations and bodies whatsoever inhabiting or being, or possessing property, within the metropolitan area shall be actually represented therein, and whereas it is due to the ancient Corporation of the City of London, having regard to its antiquity, the extent and importance of its privileges, the long

charters, the large amount of its revenues, its central position, its historical associations, that it should have precedence and authority in such metropolitan government.

It was therefore enacted :

The powers and duties of the Metropolitan Board of Works under the Act of 1855 and all other Acts shall, on the first day of May, 1867, cease and determine; and all such powers and duties shall then thenceforth be vested in the Lord Mayor and Council of London, as hereinafter mentioned.

The Lord Mayor and Council of London shall be composed of the following persons :

The Lord Mayor of the City of London for the time being, who shall be President thereof;

The Vice-President;

One hundred and fifty Councillors;

Eight of the Aldermen of the said City, if there shall be so many as eight not elected as such Councillors, and if not, then so many as shall not be so elected; and for three years, from the 1st of May, 1867.

Twelve of the present members of the Metropolitan Board of Works, if there shall be so many as twelve not elected as such Councillors, and if not, then so many as shall not be so elected.

The Vice-President shall be elected by the Lord Mayor and Council; but the present Chairman of the Board of Works shall be the first Vice-President, and so continue until his office be vacated.

One-third or fifty of the Councillors shall be elected by the owners of property within the metropolitan area.

Two-thirds or one hundred of the Councillors shall be elected by the occupiers of property within the metropolitan area, including all tenants, and all registered adult residents, and who have been resident for a period of three years in the same house.

The Aldermen shall be elected by the Court of Aldermen, and the members of the present Metropolitan Board of Works by the said Board.

The election of each Councillor by the proprietary class shall be as far as possible by equal quotients of the annual value of the property determined by the amount of income-tax, and where that is not possible, by the amount of parochial rating, and in the absence of both, by valuation according to the average value of like property, the proportions of each quotient being unanimous.

The election of each Councillor by the occupier class shall be as far as possible by equal quotients of voters, each quotient being unanimous.\*

The votes of both classes shall be taken in each parish and district as heretofore, as nearly as may be, and the councillor having the most votes shall be elected.

The method of election may be prescribed by rules approved by the Secretary of State under clause 5. I have sufficiently explained them elsewhere (Election of Representatives. Longmans, 1865).

more votes than any other candidate in each parish or district be entered and described on the roll of Councillors as the represent thereof.

5. One of her Majesty's Principal Secretaries of State shall fix with cause directions to be prepared for the government of the churchwardens, overseers, rate-collectors, and parish officers, in the preparation and settlement of the registers of votes of both classes, and the publication of all necessary notices, and for the collection and computation of the votes, in the election of the said Councillors; and the churchwarden, overseer, rate-collector, or other parish officer, obeying such directions, shall be guilty of a misdemeanour; and for the purpose aforesaid, the said Secretary of State may appoint all officers and clerks as he shall deem necessary, and the expense thereof occasioned, being certified by him, shall be paid by the Treasurer of the Metropolitan Board of Works out of the funds in his hands for general purposes thereof.

6. The Lord Mayor and Council elected as aforesaid shall be empowered to make all such statutes and laws as shall be deemed necessary for effecting or accomplishing any municipal or local arrangements with regard to boundaries or jurisdiction, and any works, objects, or purposes of public improvement within the metropolitan area, or for the sanitary, educational, moral, and general benefit and advantage of the inhabitants therein; and for effecting such works and objects, the execution of such statutes and laws, there may be incorporated therein the Lands Clauses Consolidation Act 1845, the Railways Clauses Consolidation Act 1845, and any other general Acts which may be deemed necessary, and by such statutes or laws sufficient rates and charges may be imposed within the said metropolitan area, and such needful rules and regulations made and facilities given for the works, objects, and purposes thereby contemplated; and such statutes and laws respectively so made by the Lord Mayor and Council, when the same shall have received the assent of one of her Majesty's Principal Secretaries of State, shall have the like force and effect as if the same respectively had been made and passed by Parliament.

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#### DISCUSSION.

Second Meeting of the Department of Economy and Trade, Wednesday February 14th, 1866; Sir J. Kay-Shuttleworth, Bart., in Chair.

The minutes of the previous meeting were read and signed correct.

On the reading of the foregoing paper by Mr. Thomas Hare, Mr. JAMES BEAL said, Mr. Hare may be congratulated that a member of the Metropolitan Board is here to discuss his proposal. Mr. Hare's proposal is an extension of the views enunciated in his able pamphlet in the chapter "Thoughts on the Proprietary Constitution of London," in which he proposes to expand the dimensions of the City of London, and bring the whole metropolis within its jurisdiction, absorb



Metropolitan Board, and clothing the municipality with legislative power to make all such acts (subject to the approval of the Home Secretary) necessary to the perfect control of all duties now performed under the Metropolis Local Management Act, and under the several Acts of Parliament; and for the sanitary, educational, and moral improvement of the inhabitants, having power to form new municipal boundaries and divisions, without going to Parliament. The mode of election was on that proposed by him for national representation, introducing the right of voting the propertied class not resident, as well as the householders. The main objection to the proposal to enlarge the boundaries is to be found in the Report of the Commission appointed to sit on the Corporation of the City of London, reporting in 1844, quoted by Mr. Hare. This Commission was so formidable in the weight and authority of its composition, the late Sir C. Lewis being a member, with Mr. Justice Patteson and Lord Taunton, that it is beyond hope, let the scheme be ever so favourable, that the Government will entertain it; but the Commissioners continue, on the 34 of their report, to elaborate this view as follows:—“Although the City of London is the only part of the metropolis which possesses a municipal organization, there are at present, within the metropolitan district seven parliamentary boroughs, each of which, with the exception of Greenwich, contains a larger number of inhabited houses and a larger population, than the City. Of those seven boroughs, five receive the right of returning members to Parliament under the Reform Act of 1832, and we concur in the opinion expressed by the Lord Mayor, in his evidence given before our Commission, that the Legislature has already decided to enfranchise other portions of the metropolis as parliamentary boroughs, the Legislature ought to complete the work by enfranchising them for municipal purposes. We are indeed, that if an attempt were made to give a municipal organization to the entire metropolis, by a wider extension of the present boundaries of the City, the utility of the present Corporation as an institution suited to its present limited area would be destroyed; while, at the same time, a municipal administration of an excessive magnitude, and therefore, ill-adapted to the wants of the other parts of the metropolis, would be created. But we see no reason why the benefit of municipal institutions should not be extended to the rest of the Metropolis, by its division into municipal districts, each possessing a municipal government of its own.” The suggestion which I have made is in accordance with this report; there is nothing novel in the proposal. It was proposed by many gentlemen examined before the Commission. Mr. Norton has, having before him all the materials in the Registrar General's department, proposed a subdivision into eleven municipalities, by adopting the existing eight boroughs, taking St. Pancras and Marylebone and adding to it a portion of Finsbury, to form a new borough of Bloomsbury, dividing the Tower Hamlets into two by the line of Hackney borough and Tower Hamlets, and forming a new borough in Chelsea and Kensington, which commends itself, subject to all the usual considerations, as a valuable suggestion. He proposes to equalise districts for all working, by making each borough a district of a superintendent

registrar, each a division for the Building Act, for the collection of rates for a post-office initial district, and for police, militia, and county-council purposes. The standing antagonism between the City and Metropolitan Board prevents any extended scheme, such as Mr. Hare's, being adequately considered by either or both. It is desirable at present to concentrate our efforts to the main point, the recognition of the principle of municipal government for the Metropolis. I have recommended on the authority of counsel that our first Bill shall be directed to the establishment of eight or, as the case may be, eleven municipal districts, leaving the subject of the Metropolitan Board and the City of London out of question at present. Mr. Hare's voting proposition as part of his scheme for national electoral action would not be objectionable, viewed as experimental. I regret that I cannot concur in his main scheme. My objection really arises from my intimate knowledge of vestry action, and of the influence of the Metropolitan Board and the position of the City of London as having a mutuality of object, but an antagonism of interest. I object to the Government handing over the power of legislation to a body, as proposed by Mr. Hare, the creature of rival interests, without the strength and will adequate to reconcile them or to settle the future on a firm basis. Government, in my opinion, must lay down the line, and the elected representatives carry out the programme. We are much the prey of provokingly diverse counsels to be left to settle a constitution for London. The Government of London is an important question, and ought to be settled with all the weight and authority of the Legislature.

Mr. J. STUART MILL, M.P., in adverting to the observations of Mr. Beal, said that what had been urged rendered it the more necessary for the public to move in the matter at once, and, perhaps, during the present session, sufficient interest might be created to induce the Government to take charge of a measure next session. He believed that no Government would ever allow us to have a single municipality in London, and therefore he approved of Mr. Beal's plan to divide the metropolis into several municipalities, as the safer, wiser, and more cautious plan of the two. The principles of Mr. Hare's plan might be accommodated to that of Mr. Beal. In a Government constituted as ours was, all they could expect was that facilities would be afforded for them to settle the question upon right principles.

Mr. DRESSER ROGERS said, that as regards the Corporation of the City of London, he believed their feeling was genuine. A strong feeling existed that all parts of the metropolis should, as a body, receive general legislation. It was monstrous to suppose that the Corporation of the City of London would oppose any well-considered measure. He believed that the most powerful friends to such an undertaking would be found in the Corporation itself. One municipal district, he thought, for the whole of London would never succeed. The present system of parochial management in the vestries was bad. The wealthier class of ratepayers resided out of town, and, generally speaking, the class of men who compose the vestries are owners of small house property, with a small competency. To these men are entrusted the management of paving, lighting, and every parochial requirement. He would prefer

employment of thoroughly competent persons, armed with authority paid for their duties.

MR. BEGGS said that he quite agreed with the previous speakers, the system of governing the metropolis by district boards and vestries had been a failure; and, in fact, he thought that London, as a metropolis, was the worst governed city in the empire. He fully supported the views of Mr. Beal, that municipalities had become a necessity; and he also fully concurred with him as to the desirableness of confining the system to that one point. He was not quite sure that a federal union was indispensable; but, if it were, he thought that the union of the central head ought to be a matter of further consideration, and that it would only embarrass the present action if an attempt were made to define what and where it ought to be. The public mind ought to be fixed upon the one idea of absorbing the small vestries and district boards in large municipalities. He thought corporations in London would work better than those in the provinces, as in large towns they were too often a political machinery, and made subservient to party purposes; but, with all the vices of the local governing bodies in London, he thought that this defect did not so much belong to them. He did not wish to condemn the Local Metropolis Management Act as a whole. It had done good by abolishing a whole host of commissions and petty vestries; and it had given to the evil of governing a large community by small and obscure bodies full prominence, and that would lead to good results. It had helped to show the nature and the magnitude of the evil. He had no objection to Mr. Beal's scheme, if taken in its several parts; but he thought that, taken as a whole, it would complicate a very simple question. If it were shown that a federal head were necessary, and the choice lay between the Metropolitan Board and the Corporation of the City of London, he should prefer the latter, because he thought that it managed its affairs better than the newly formed Board; and it would be difficult to subvert or conflict with a body which had so many venerable traditions, and which had done something for freedom and civil liberties. He did not share in the despondency of those who expected nothing from the present Government. It was, at any rate, his duty to press this great point upon them, and he was one of those who believed that it was the business of the statesman to study the wants of the people, and act with the spirit of the age, rather than attempting expedients for which public opinion was not ripe. Mr. Beggs also spoke in favour of the plan of double elections practised under the Local Metropolis Management Act.

MR. HASTINGS could not agree with the idea that there was no need for a federation of the proposed municipalities. He was entirely in favour of Mr. Beal's view, that certain districts of the metropolis, whether the parliamentary boroughs or other, should be erected into distinct municipalities; but he was equally convinced that it was absolutely necessary that these corporate bodies should be united under a common head for certain central purposes. For instance, no subject was of more vital importance to the population of London than that of a pure water supply; and it was manifest that nothing short of



some one central authority could carry out a really great and effective plan. His own view was that that anomalous body, the Board of Works, ought to be abolished, and the new municipalities to be linked on to the Corporation of the City of London, as their natural and most efficient head. The opinions expressed in that room that night were of good augury, for they showed that the vulgar exaggerations which for years had marked the attacks on the City of London were now discredited, and that the question of metropolitan government was likely to be discussed with fairness and better information. He had occasion some years since to examine into the way in which the business of the Corporation was carried on, when engaged in writing an account of English Local Government for the French Dictionary of Administration. Every facility was given to him in the City for obtaining information; and he had come to the conclusion that the municipal administration of the City was a model of organisation, carried out on the whole with remarkable efficiency. The industry and experience of its various committees and officials, and the aptness acquired by centuries of self-government, could not be rivalled elsewhere. The Corporation had set an example on the question which was now occupying so much attention, that of supplying dwellings for the working classes, having some years since, when neither the Board of Works nor the vestries would stir a finger, voted a large sum for buildings which were now inhabited and, he believed, paying. Another effort now being made to supply London with pure and cheap gas was another instance. He therefore strongly advocated the recognition of the City Corporation as the legitimate head of metropolitan municipal government, and he trusted that no long period would elapse before the capital of the empire was delivered from its present state of misgovernment and anarchy.

Mr. J. S. STORR said that in preparing a scheme the right sort of men were wanted—men willing to work with a sincere regard to honour and duty. The difficulty was not so much in devising a plan to get the proper men in the Legislature to promote them. With plenty of education, there was very little self-devotion; and the vestries as at present constituted, offered, with the danger of having one's reputation pulled in the execution of one's duty as vestryman, but a small inducement for better qualified business men to enter.

Mr. J. MERRIMAN spoke in favour of the municipality of Manchester as highly successful, parted as it was by a river from the City of Salford. The Middlesex and Surrey sides might form municipalities for themselves, which he thought would be an advantage; and comment at length on the plans of Mr. Hare and Mr. Beal, together with Mr. Horton's.

Dr. PANKHURST observed that there was a substantial agreement both as to principle and practice, in regard to one of the two leading questions. It was admitted that the metropolis should be distributed into distinct municipalities. Upon the other point a difference in principle appeared to exist, but none as to practice; for both those who did and those who did not think that the municipalities ought to be united under a federal head were at one in this, that they allowed

nothing could be then done as to it. In truth, however, there was the same reason for the one reform as for the other; and though the questions connected with the latter might be fewer in number, they lost in number they gained in magnitude. Municipal institutions were ancient, constitutional, and efficient; they left those to debate and act, who, on the one hand, knew best both what to do and how to do it, and, on the other, had the greatest interest in giving their knowledge the best effect. As to the attitude of Government, they only afforded facilities for reforms, it was more than they might have expected, as much as they wanted, and all that they ought to do.

M. RENDLE felt some doubt as to its being desirable for the City of London to take the lead in a great municipality for the whole metropolis. He, as an inhabitant of Southwark, a great part of which constituted the so-called Bridge ward without the City, had experienced no little advantage from City superintendence to desire more of it. One of the last acts of the City was to take away their town-hall, and to let the site for a large profit. The inhabitants of the Bridge ward without were, in fact, step-children, and were treated as such. As to the constitution of vestries, no doubt it was bad. He had himself served a vestry, as Medical Officer of Health, for three years, and he found that to perform his duty was to undergo a sort of martyrdom. Tired of martyrdom, he at length became a vestryman, so that he hoped to do that without a salary, which he found impossible, considering the constitution and private interests of the vestry. He was, to do with one. But there was something to be said on the other side. The laws administered by the vestries were in so many ways imperfect and obscure, that it was difficult to work them. Indeed, in this parish, the chief part of the work was done by influence, reason, and the tact of the officers: when pressed, the law more often failed than not. The Local Management Act appeared, on the surface, to compass everything, and to be especially the Act for the metropolis in it, if obstinate persons would not do the required work, might be used, that the vestry might step in, do the work, and charge it; this had been extensively tried, but after the work for sanitary and other improvements had been done, *bonâ fide* and for the public good only, the money so spent could not, in the majority of cases, be recovered. Consequently the vestries had generally fallen back upon the Nuisances Removal Acts, which, intended for all England, were not always too applicable to the special condition of London and other large towns. By these acts the owner was called upon to do the work under penalties; but it was found very defective in London, and often failed. Further, the decisions of magistrates, so far as his own part of London was concerned, were full of delay, and were generally adverse to the vestries. The disposition was therefore to avoid the magistrate altogether, and to get the work done by persuasion and by the tact and influence of the officers, and to let the rest go. Complaint had been made by the clerk of his own vestry, at its last meeting, that he and other officers had been in one case seven times, in another nine times, before a magistrate, and the cases, trivial but needful, were still left unheeded.

This was felt to be virtually a denial of justice. The mode of election, as carried out, was altogether defective; and the persons who could be prevailed upon to serve, were, with some exceptions, not the best for the work. Even as a Christian man himself, he must say that the religious system was very much to blame in this matter. Not two positions better qualified to realise the practical duties of Christian life, the working out a good result to the poorer masses in the London parishes and elsewhere, could be found than the position of member of vestry and of guardian to the poor; the churches and chapels were full of business-like, practical, successful men, but the best of these men avoided the duties referred to. The pulpit should press this duty and press it strongly upon the best members of their congregations. In not doing this, one of the most practical of their duties was neglected. This was deeper than law; it underlaid all law. It was easy to subscribe large sums to send the truth a long way off, unfortunately with comparatively little results; at the same time, comparatively disregarded, ten and twenty thousand people in a parish surrounding the chapel and churches might be found as ignorant of actual practical Christianity, and often of practical decency, as the inhabitants of Central Africa. The law, imperfect as it was, was, however, evidently reaching for better things, but in few, if any, localities could a majority of really good efficient men be found to work it.

Mr. FREDERIC HILL moved:

"That the paper of Mr. Hare be received, printed, and referred to a committee consisting of the following gentlemen, to consider and take such action thereon as they may seem fit, and with power to add to their number: Mr. Beal, Mr. Beggs, Mr. Hare, Mr. Hutton, Mr. J. Stuart Mill, M.P., Mr. Dresser Rogers, Mr. Storr, Mr. J. Kay Shuttleworth, Bart."

He said that, during the debate, blame has been cast on the upper classes for not taking their due share in the local government, and for regarding their selfish ease rather than their public duties. He ventured, however, to repudiate this charge, and to point to the very Society now assembled in this room as evidence of the willingness of the upper and educated classes to labour in the public cause, for the welfare of their poorer and less instructed neighbours. Night after night do committees of the Society meet to consider the means of improving the law, or of otherwise bettering the condition of the people. In education also, in founding and managing hospitals and in charities of almost every kind, do men and women of the upper classes in abundance step forward and devote both time and money to public objects. And why do they not act more generally than at present on vestries and other bodies for local government? A gentleman at the other end of the room has explained why, for a long period, he took no part in the vestry of his district; namely, because, from the very fact of his being known to be eminently qualified for the duty, he was pertinaciously excluded; and a similar case came under my own knowledge. After a visit to Paris, he returned strongly impressed with the opinion that in various ways opportunities for recreation the



but air, such as exist in Paris, might at small cost be provided in London; and in order to make a beginning towards carrying this idea into effect, he spoke to a friend of his, who is on one of the London vestries, and who, being a man of standing at the Bar, was likely, he thought, to have influence with his fellow vestrymen. His friend told him that he agreed with him in his view, and that he thought what he proposed was quite feasible; but, he added, that he should not have the slightest chance of carrying anything of the kind; that he was in a minority and a constantly decreasing minority, the publicans of the parish, who had contrived to get the elections into their own hands, had come to a resolution that no one having the status of a gentleman should from that time be put on the vestry. It is not, therefore, by their own fault that the upper classes take so little part in the management of our local affairs, but partly because, to a considerable extent, they are systematically excluded, and partly from a natural inclination to ally themselves with the ignorant and narrow-minded men whom our present system of election raises, in such large numbers, to office. Instead, therefore, of looking, as does one gentleman who has spoken, on the franchise as a matter of no importance, he regarded it as of the highest moment, and at the very root of the evils from which we were suffering. With respect to the federal government of the metropolis he was in no anxiety, being convinced that, if the reorganisation be made sound, everything else will follow. If London were carved into districts, and each district had a good governing body, we may be sure that a consultative committee or council would soon be formed to consider matters of common interest; and that, sooner or later, such council would be invested with large and substantial powers.

MR. ROBERT WHITE seconded the resolution.

MR. HARE replied.

THE CHAIRMAN, in summing up, expressed himself imbued with the apprehension which had characterised the remarks of many of the speakers as to the present constitution of corporate bodies by persons of the lower levels of society. The general absence of men of commerce in the larger municipalities in the country was much to be regretted; but to such men time was the most valuable element, and while they showed their readiness to aid every good object by their abundant gifts of money, they stood aloof from personal attendance at such meetings, where the effects to be produced by an expenditure of valuable time were doubtful and no certain results could be relied upon. Liverpool alone now remained an exception, and their vast wealth was combined with vast municipal authority. In the main, country municipalities were now constituted of no higher grade than the shopkeepers; but still in some cases it must be admitted they had conducted great improvements and judiciously expended large sums of money. It was not from corporate bodies that the ideas of such improvements originated; these were conceived by ardent and isolated thinkers, and were adopted and carried out by corporate bodies. He spoke strongly against the venality of boroughs, and quoted an instance

where a Lancashire borough had been offered to himself by the leading solicitor in the place for 2000*l.*, an engagement he respectfully declined; but curiosity induced him to inquire the reason of so liberal an offer, when he received the assurance that the Radicals had expended that sum of the town money in ousting the Tories, and would be glad of the suggested means for replenishing their coffers. He spoke strongly against the 5*l.* franchise as inducing to the public-house, and tending to increase the venality of the voters.

The motion was then put and carried unanimously, and the Department adjourned.

*On the Education of Destitute and Neglected Children.\**

By W. L. CLAY, M.A.

I HAVE nothing to do in this paper either with criminal children or with children whose education is in danger of being sacrificed to the demands of the labour-market. My business is solely with children whose parents are too poor, too careless, or too vicious to provide them with proper teaching.

I must, however, at the very outset, confess that the propositions I have to make (most of which are neither novel nor original) are inadequate and unsatisfactory. The moment we come in contact in parents whose apparent interests or vicious habits form the obstacle to education, the want of a compulsory law is cruelly felt. Prejudices die out, and poverty can be dealt with; but nothing short of coercion can master self-interest and vice. Step by step we are getting self-interest under the restraint of Factory and other Acts; but almost nothing has been done as yet to force the vicious father to the performance of his duty. The fact is that, as it would be impossible to pass a special Act for their behoof, we shall never reach the dissolute parents till it is the law of the land that every child shall be instructed. Such a law, however, would be un-English; and that, of course, ends the matter. There is no appeal from British infallibility.

The problem before us, then, is this: Being debarred by our "clear English common sense" from the right and only effectual means for surmounting the difficulty, what makeshifts and second-rate schemes can be devised instead? It is obviously wise policy to use the present educational machinery as far as possible, and to make no needless changes. Accordingly I confine myself to the suggestion of simple improvements on the existing systems.

\* Read February 21, 1866.



Indoor pauper children stand first for consideration. Five-and-twenty years ago their plight was deplorable. Herded with the adult paupers, or, if separated at all, very insufficiently so, their training was simply a training in immorality, to which the few good influences brought to bear on them were no adequate counterpoise. The Poor Law Board, however, though armed with powers not half sharp enough to goad recalcitrant guardians into reform, has, by persistent effort, greatly improved the condition of the workhouse child. Mr. Villiers is justified, I think, in calling the provision now made for the training of pauper children "the bright part of the Poor Law system." It is bright, however, still only by comparison. What is required, as the first essential for success, is that the child shall be entirely separated from the adult pauper; and this cannot be thoroughly accomplished unless the school is in a building apart. Let the care taken be ever so diligent, let the architectural devices adopted be ever so complete, still, if the child and adult are under the same roof, communication will take place, and, be it ever so slight, contamination will be the result. Moreover the parents are constantly claiming the right to see their children, and the claim is not easy to resist, though it is well known that the little pauper has no worse enemies than his own father and mother. The teacher, too, is of necessity subordinate to the master of the workhouse—commonly his inferior in education and intelligence—and such a relationship is only too likely to engender bickerings and quarrels. For such and other reasons, the complete separation of the school from the workhouse is most desirable, or, rather, most necessary. The separation may be effected in either of two ways. Under the District Schools Act (7 & 8 Vict. c. 101, amended by 11 & 12 Vict., c. 82) several parishes or unions may unite together to establish a school for their common use; or else the union or the parish may create its own separate school. Each plan has advantages and disadvantages, and it must depend entirely upon local circumstances which should be followed. But as they both accomplish equally well the main purpose—the complete isolation of the children—I will give

them, for present convenience, the common name of branch schools, as distinguished from workhouse schools. Of late years these branch schools have become more numerous; almost all the metropolitan parishes, for example, have built them, Bethnal-green, of course, being one of the exceptions. By the last report of the Poor Law Board I find that out of 35,548 indoor pauper children at the date of the last return, 9430 were housed in separate establishments. I must remark, however, that the return from which I take these figures is, on the face of it, misleading and defective—a nice sample, in fact, of the perfection to which our blue-book makers have carried the art of supplying misinformation. In round numbers, we may say that there are about 10,000 children in branch, and 30,000 in workhouse schools. After the superiority of distinct establishments has been so abundantly demonstrated, it is pitiable to find so many children still penned in workhouses. It must, however, in fairness be allowed that bad, very bad, as some of the workhouse schools are, others, especially in the country, are really, in spite of all drawbacks, fairly good. The Education Commissioners, whose chapter on pauper schools is certainly the weakest part of their report, recommended “to compel by law the general establishment of district and separate schools.” Such a measure, however, would be far too sweeping, and in many districts could never be carried out in face of the vehement opposition that would certainly arise. A half-measure, bad as such things commonly are, is here wanted. When the necessity for parcelling out England into unions for Poor Law purposes was seen, a permissive Act, enabling parishes to coalesce into unions, was passed. Of course the result was almost nothing. The guardians, true to their motto, “Whatever is, is right,” remained stolid and inert. A compulsory Act would probably have evoked a Tory hurricane sufficient to blow the Ministry from the Treasury benches. Accordingly they took a middle course. They armed the Poor Law Board with powers to compel the formation of unions, but left the exercise of those powers to their discretion. The result was that, by applying the screw first here and then there, they

got, by piecemeal, the whole work accomplished in a few years. A similar policy should be followed in the case before us. At present the Poor Law Board has no power to promote the formation of branch schools, except by worrying the guardians with advice. Give them the power, to be used at their discretion, to compel, and the result would be most satisfactory. Where the workhouse school is so good that a large outlay for the creation of a branch school, only one degree better, would not be justifiable, they would of course refrain from coercion; but in other places, Bethnal Green, for instance, they might turn on the screw at once with universal approval.

There is another method by which children may be rescued from workhouse influences. The Education Commissioners attracted notice to the fact that, by an inadvertent phrase in an Act of Parliament, it had been rendered illegal to entrust workhouse children to the managers of charitable institutions. In 1862 an Act was passed (25 & 26 Vict. c. 43) to remedy this and to define the terms on which such institutions might receive and guardians transfer, the charge of workhouse children; the guardians, of course, paying the managers the estimated cost of the child's maintenance, *i.e.* about 5s. a week. Some thirty or forty "Homes," "Institutions," and "Orphanages" have obtained certificates under this Act, and now take in pauper children. It is also provided in the Industrial Schools Act that guardians may consign children to certified schools under that Act, but I believe that this permission has hardly ever been used. Now, in some respects, these schools and institutions being smaller, and having more of the home character, are even better than branch schools. And what I would urge is this, that the Poor Law Board should have discretionary powers to order the removal of certain children, especially orphans, from the workhouse to these certified institutions, if the want of a branch school or any other circumstance rendered this course advisable.

I am also prepared to advocate a somewhat bolder stroke in the same direction. The certified industrial school is meant for a class of children very like the class in the workhouses—litt



vagrants and beggars, children cursed with vicious parents or tainted with incipient crime. I regret to say that the number of these schools is still very small—only about fifty, I believe; and the children they provide for are barely 1500. Several causes have contributed to this disappointment. The justices have fought very shy of the Act. To deal with crime in the embryo, and to inflict nondescript sentences, half boon and half punishment, was not quite in their line. Besides, it was no one's business to enforce the Act. It was never likely for a moment that the British public would trouble itself to take little ragamuffins before reluctant magistrates and get them sent to school. We are sadly in want of a select policy to do the more delicate work, such as watching the ticket-of-leave men, and working Acts of this kind. The common "bobby" is a very clumsy fellow; you can see, through the thick white gloves he always wears, that all his fingers are thumbs. In consequence of these difficulties, the establishment of an industrial school is a very arduous task. A few years ago, when I was living in Warwickshire, I was strongly urged to make an effort for two industrial schools, one for boys, the other for girls. There happened to be at Coventry a home for girls, and all we had to do in consequence was to persuade the committee to transform it into an industrial school, and to beg the money for the expense of the transformation. But the boys' school had to be abandoned. Premises must have been rented, and a schoolmaster engaged; and my experience with the girls had taught that at first my scholars would dribble in at the rate of a child and a half in the year. For that child and a half the Home Office would have paid me about 20*l.*, and so I should have commenced the second year with a lively deficiency of about 200*l.* If, however, I could have had the orphans from the Warwick and Coventry workhouses, I could have started at once without any financial qualms. But I was told that it was not of the slightest use to broach such an idea, and accordingly the whole scheme was abandoned. What the state of the Warwick workhouse was at the time I do not know; but that at Coventry was so crowded that, mainly for the children's sake, it

was shortly afterwards enlarged at a great expense. Our school could have been established at a tithe of the cost; and if the Poor Law Board had possessed the power to order the removal of the orphans from Coventry, I think that we should have carried out our plan in the hope of their using their power in our favour.

Give, then, the power of removing orphans from unsatisfactory workhouses to the Poor Law Board, and you give them the power of calling industrial schools into existence all over the country. To make the scheme complete, as the guardians send their orphans to the industrial schools, the magistrates, if there is no such school within reach, should be able to commit their ragamuffins to the branch schools, the Home Office paying, of course, the weekly 5s. for them. This could be effected by simply declaring the branch schools to be within the meaning of the Industrial Schools Act.

I have spoke of the workhouse "orphans," but I do not use the word in the strict sense. The indoor pauper children are made up of two classes, the regulars and irregulars: the former, about two-fifths of the whole, are either orphans or virtually so; and as there is no one to interfere with their proper education, their management is a comparatively easy task. But the irregulars are a constant puzzle and perplexity. They come in and go out with their parents, sometimes two or three times in a year; their education, constantly interrupted, makes little progress; they contract disease and depravity during their "outings," and great care is necessary to prevent their contaminating the regulars. These children are admitted into the branch schools, and the best is made of them; and, once fairly encountered, the evil proves less than might be anticipated. But they would spoil smaller schools, and the managers would never consent to receive them.

The number of these irregulars, however, might be somewhat reduced. It is the rule, though not the law, that when the mother leaves the house, the child leaves the school. Nor could this rule be abandoned without the most disastrous results. If

every vicious, lazy mother could foist her children on the guardians without paying the bitter penalty of confinement in the workhouse herself, our juvenile paupers would soon be multiplied fourfold. Still, some exceptions might be safely made. If the mother is a widow, or the wife of a broken invalid or of a convict under a long sentence, if her character is good, and if she can prove that she can support herself, but not her children also, it is cruel and useless to make her a pauper for her children's sake. Discharged, the expense of her own maintenance would not only be saved, but she might also contribute towards their support. It seems to me that, where the father is dead or incapacitated, the mother has a strong claim for indoor relief for her children. In a few cases, I have known the claim considered and conceded; but, as a rule, it would not be listened to for a moment. It would be well, I think, if such a widow, or *quasi* widow, had the right of appeal from the guardians to the magistrates, and the magistrates the power to issue an order for the admission of the children into the proper school.

We must now take a glance at the children of outdoor paupers. By a return which is carried up to July 1st, 1859 (I have no means of access to any later return, but the figures, I imagine, have not greatly altered), I find that the total number of these children was 254,034; but of these 63,554 were below the age of three years, leaving 190,480 to be considered. Of these, 65,600 were returned as attending day-schools at the cost of their parents, 6863 at the cost of the poor-rate, 35,212 at the cost of benevolent persons, and 34,300 were at work; leaving 48,000 without any education at all. Now, to have 48,000 of these children thus neglected is pitiable enough; but I am afraid the real state of things is much worse. In the first place, the total number of children must be swelled by an addition of about 25,000 on account of parishes not under the Poor Law Board. Then, if the 65,600 stated to be in attendance at day-schools were cut down to 50,000, it would be nearer the truth. The Education Commissioners had a similar return before them for an earlier period, and, on testing it, found that it



needed discounting to the amount of about 20 per cent. Then the statement that the parents pay for them, merely means that nobody else does, the fact being, I expect, that the great majority attend, or rather profess to attend, ragged or other free schools. Again, as regards the 34,300 stated to be at work, I fear that with a large number the work is merely nominal, such as pestering the British public to buy cigar-lights, running occasional errands, and the like. Upon the whole, I believe that it may be said with only too much truth that, of the 200,000 outdoor pauper children, one half are not educated at all, and the majority of the other half very insufficiently.

What is to be the remedy? At present the only provision made by the Legislature for their education is the Act known as "Denison's Act" (18 & 19 Vict. c. 34), which enables the guardians, if they deem proper, to pay the school fees for pauper children, but specially provides that it shall not be lawful to make the education of the children a condition of relief. This Act is a failure; as we have seen, not 7000 children are educated under its provisions. The Education Commissioners, with their usual fondness for radical measures, proposed "to make it compulsory on the guardians to insist on the education of the child as a condition of outdoor relief to the parent, and to provide such education out of the rates." Many of the Commissioners' recommendations were rather startling, but this is certainly sensational. If their Act had been passed, the guardians might have been forced to take children from good employment and deliberately pauperise them, to rob sick parents of their little nurses, and to commit many similar vagaries in the sight of a scandalised public. A much milder measure would be sufficient. We want an Act giving power to the guardians to refuse, at their discretion, outdoor relief, unless the children are sent to school—not any school, of course, but a school under Government inspection. After a little vigorous jogging by the Poor-law officials I believe such an Act would be put very widely into operation *provided the guardians were not required to pay the school fees*. The proposition that the cost of the education should be defrayed

out of the poor rate betrays a profound ignorance of guardian nature. Any one who has studied that nature carefully is aware that, while guardians will every now and then lavish pounds upon pounds, they always haggle over pence. I fancy the explanation is, that the majority of them are men who have been accustomed to cheese-paring all their lives, and rarely had the chance of handling larger sums. But, however that may be, I am convinced that the guardians, as a rule, would not use their compulsory powers if called on for payment. Justice to the rate-payers, which is I fancy the most despotic idea in England at the present moment, would forbid so uncalled for an extravagance. There is no alternative but to throw the payment on the Privy Council. The plan would be this. The relieving officer would give the parent an order for admission into the selected school, and would require each week, on the renewal of the relief, a voucher of the child having attended not less than (say) eight times during the past week. When the relief was withdrawn, he would notify its cessation to the master. For every twenty-five attendances the managers should be entitled to 6d. from "my Lords." If the attendance was fairly regular, this would be about 2d. a week, which is the most usual fee in national schools. "My Lords" could hardly be expected to reckon their grants in smaller units than sixpences; and yet, as outdoor relief is frequently granted for only three or four weeks, it would be very unfair on the school-managers to refuse them payment unless a higher number of attendances than twenty-five had been reached.

I am sanguine that this plan would be very successful. The guardians would soon learn and be glad to use their compulsory powers, and both parents and schoolmasters would have a plain interest in the enforcement of regular attendance. Once in the school, many a child would continue there who would otherwise have never entered. We might in this way bring 40,000 or 50,000 children under education at a cost to the country of about 10,000*l.* a year.

In dealing with pauper children we have a comparatively easy problem to solve; but when we begin to discuss the education of

destitute children of other kinds, we are at once involved in perplexities and controversies. It is very difficult, in the first place, to estimate the number of these children. The secretary of the Ragged School Union, Mr. Gent, in his examination before a parliamentary committee, five years ago, gave 60,000 as his reckoning for London alone. The population of London is about one-seventh of the population of the whole country; but we cannot reckon by rule of three, for in the metropolis the destitute children are far more numerous in proportion to the other inhabitants than they are in any other part of the kingdom excepting perhaps a few of the large towns. Maybe the ragged juveniles of London are a third of the whole; and, accepting Mr. Gent's conjecture, their total number would thus be 180,000. This, however, is mere guesswork; I believe, myself, a very much smaller number would be nearer the truth.

But, whatever the number may be, the measures I have proposed would considerably reduce it. A few would be taken into the Poor-law branch schools; the Industrial Schools Act vigorously worked by a select police, would carry off the most unruly, while the outdoor pauper children, who form a large proportion of the little destitutes, would also be provided for. Still there would be a considerable number cut off by poverty or vice from all education, if it were not for free or very cheap schools of one sort or another.

I am entirely on the side of those who maintain that Government ought to assist in the education of these little waifs and strays, and more particularly because the Revised Code has tended to increase their number. There is a propensity in our schools to become too respectable; the commercial school yearns to become classical, the national to become commercial; and the Revised Code has given a stimulus to this ambition. Under the new rules, grants are harder to get, and when got are very apt to be of smaller amount. The managers, therefore, must eke out their funds somehow. Little or nothing additional is to be squeezed out of the subscribers; indeed, it is difficult to keep the subscription-list from ebbing away. Consequently, the children



must be made more productive. The managers commonly throw the burden on the teacher, by making his salary depend in whole or in part on their payments ; and, of course, he raises the fees, and so “improves the character” of the school, sifting out the poorer children in the process.

Now, this is not altogether matter for regret. The educational policy which England ought to pursue is, having endowed her labouring classes with the school-buildings they need, to call on them to bear the annual cost of their children’s teaching. Thirty years ago, after a century’s blundering had pauperised the working men by wholesale, she called on them to feed and clothe their own offspring out of the fruits of their labour ; and, after a sharp struggle, they answered the call. If ever she asks them to educate their children at their own cost, they will do so. The advocates of compelled education commonly make a great mistake. They assume that if education is compulsory, it must be gratuitous. The exact reverse is the truth. Educational results will always fall far short of what they might be as long as the State, not the parent, pays for those results. Forced to educate his child at his own cost, you may depend upon it he would have his money’s worth. With compulsory instruction, *not* gratuitous, England would soon be the best taught country in the world. However, it is no use dreaming of this : it is never likely to come to pass on this side the millennium ; and, in spite of the popular authorities on that topic, I do not much think that the millennium will begin next year. Nevertheless, when the Revised Code threw the burden of education more on the parent, a step was unwittingly taken in the right direction. But as such a step was likely to exclude from the national schools even more children than were, to all intents and purposes, shut out before, the necessity for making provision for them became more urgent than ever.

In setting about this task two rules should never be lost sight of. 1st. Parents able to pay should not be tempted to accept gratuitous schooling for their children. Few people have any conception of the rapidity with which charity degrades the reci-

pient. The parents who send their children to the ragged school without necessity will, probably, end in becoming regular "loafers." And yet I am sure that full one-quarter of the children now in the ragged schools would be sent to pay-schools, if the others did not exist; and more than a half might be sent, if the parents chose. 2nd. It should never be forgotten that to teach, and much more to feed and clothe, the children of the dissolute is to offer a premium to parental neglect.

Of course free or even cheap schools offend deeply against both of these rules. However, when we have nothing but a choice of evils, we must take the least, and reduce it to the utmost.

Neglected children divide at once into two classes—the homeless and the merely school-less.

The former class in London are at this moment attracting much attention. It is evident that day-schools cannot meet their wants. It is mockery, when the child asks for bread, to give him a spelling-lesson. They need, of course, both food and shelter, and the law already provides for the supply of these wants. Pick up one of these homeless boys and examine into his case, and you will find that he has a right either to admission into the Poor Law branch school, or else he is a fit subject for the Industrial Schools Act. That Act distinctly covers the case of children, "apparently under the age of fourteen years, who are found wandering, and not having any home or settled place of abode, or any visible means of subsistence." The best way to meet the difficulty would be to stimulate this dormant Act into wakeful life. If the magistrates would begin to commit the children in adequate numbers, I am sure the public would rapidly call into existence the additional industrial schools that would be needed. I conceive too that where the little outcast ought to be provided for by the Poor Law, the magistrate is the proper person to apply, with authority, for his admission into the Branch School. I confess, however, that I have no hope of this remedy being applied, and, consequently, refuges for these waifs and strays.

become a necessity. Not that such refuges would completely cure the evil; for they would only meet the case of those who wish to be rescued. Many of these wild children of the streets like their savage life. When ill or "down on their luck," they would take the shelter offered them for a time, but they would soon be off again. The Act, the whole Act, and nothing but the Act, will ever sweep the streets clear of these young Bedouins. But if the cruel tenderness of public opinion will not insist on so sharp a remedy, some sort of refuge becomes a necessity. The question then arises, Are these refuges to receive Government help or not? On two grounds I answer, "Yes." 1. Because it is evident that private benevolence is not equal to the emergency. 2. Because private benevolence, always impulsive, rarely thoughtful, if left unchecked, is likely to do almost as much harm as good.

As the refuge, from not possessing the same control over the children, and for other reasons, would be an inferior institution to the industrial school, the help given should be less. I would propose 3s. 6d. a week, the bare cost of food, instead of 5s. The grant should not be made for every child whom the managers chose to receive, but only for such as the inspector or other official pronounced a fit recipient of relief. I submit the following as a rough sketch of the rules according to which the allowances ought to be given or withheld.

1. Orphans should be eligible for a grant, and, as already intimated, I would interpret the word rather liberally. To the obvious objection that such children at any rate are provided for by the Poor Law, I would reply that it is not the business of the guardians to send out their officers into the streets and gather in the homeless ragamuffins; and the ragamuffin himself, though he would come in at the open doors of a refuge, would never dream of applying for relief to the board. Again, the discipline of the Branch School would not be reformatory enough for the older of these street children, and, admitted they might work much mischief. For the older orphans, therefore—say, all



above nine years—grants should be made. As to the younger, the guardians should be required either to receive them into their Branch School, if they have one, or else to pay the managers the 3s. 6d. a week.

2. Allowances should also be made for children deserted by their parents. But means similar to those now adopted by the guardians should be employed for punishing the father, and coercing him to his duty.

3. Grants for children neglected or turned adrift by their parents should be sternly refused. If a refuge open to such children were established in the parish where my own work lies, I believe that fifty children would be turned out of doors within the first week, to be qualified for admission. What should be done is this: the managers, whom the police should be bound to help, should strictly investigate the matter; and if they found the case strong enough, they should take, not the child—that would be a fatal mistake—but the father before the magistrates; and the magistrates should have power to make an order on him to pay the 3s. 6d. in whole or in part. The grant should then be made to the managers, and the money, as is now the case under the Industrial Schools Act, should be collected from the parents by the agents of the Home Office.

I am afraid that a "Refuges Act" would be needed to carry out these proposals. But such an Act would have a most powerful influence on the entire education of the country. It would, for the first time, put into the hands of the poor child a simple power of appeal to the protection of the public law against the brutal neglect of his parents. With such an Act we should hear far less, I am sure, of the miseries which our street children have to endure.

I come now to the case of the destitute children who need schooling only. In the first place, do these children want Government help? One party, mainly consisting of the London Ragged School Union, headed by Lord Shaftesbury, reply in the negative; another, headed by Miss Carpenter, in the affirmative. That the latter are in the right is beyond question.

Assuming, then, that the Privy Council ought to give assistance to the ragged schools, the controversy turns upon the terms on which that help should be conceded.

The Revised Code put the matter on a new basis. Formerly these schools obtained help under special minutes; they now receive it, if at all, under the same regulations as other elementary schools. Under the old rules, it was imperative that at least one penny a week should be charged for each scholar; now there is no restriction, except that the school pence and the subscriptions shall together amount to not less than the Government grant. On these terms many free schools are now largely assisted. The very excellent "Manchester Free School," for example, received last year no less than 175*l.* 18*s.* 8*d.* from the Privy Council towards their total expenses of 492*l.* 17*s.* 3*d.* Of course, however, great dissatisfaction is felt at an arrangement which, as the children pay nothing, under the most favourable circumstances throws two-thirds of the cost on the subscribers. Demands are accordingly made both for more help and for a change in the conditions on which it is given. I find that these demands resolve themselves into three.

1. The first is, that the managers shall be released from the stipulation which enforces the employment of a certificated teacher. "Such a teacher," it is said, "requires a higher salary than need be given, and his training does not fit him (perhaps positively unfits him) for dealing with ragamuffins." It seems to me that this demand is very reasonable, but it will have to be considered as part of a larger subject. It is a matter of sharp controversy at the present time, as is well known, whether the certificate should be exacted in any case. "The requirement was originally made," it is argued, "to ensure good teaching; now, however, that this end is secured by the plan of paying for results, the other security has become superfluous." The argument is very neat, but by no means convincing. I confess I should be very sorry to see the certificate abandoned; it is an additional security not to be lightly foregone: if the annual examination alone were relied on, I am sure both schools

and teachers would deteriorate. Nevertheless, to the cry that the exaction of a certificate shuts out many schools from help, and, worse still, from inspection, I think a large concession ought to be made. My own experience as a diocesan school inspector has long since convinced me that it is most desirable to bring the small village schools under the Privy Council; and to this the great impediment is the enforced certificate. The difficulty would be met by dividing the elementary schools into two classes, upper and lower national schools, and demanding the certificate in the former only. There should be an alternative definition of the "lower national school;" either the number of scholars or the fees they pay should constitute it such. If the average attendance is less than (say) 80, or if the fees amount to less than one-sixth of the annual cost (in a first-class school they amount to nearly a third), the school should be dubbed "lower," and be entitled to the relaxation in question, and to any other that my Lords in their kindness may grant. I do not lay any great stress on the name "lower national," though it is better than any that has yet been suggested. "Ragged" is very objectionable; nor am I satisfied with the epithets Miss Carpenter proposes, "free industrial." I have a protest to enter against the schools being free to all the scholars; and there is so much difference of opinion about introducing the industrial element, that the word should hardly be introduced into the title.

2. The first demand therefore on behalf of the lower schools should, I think, be conceded; the next must be stubbornly resisted. It is asked, that the grants should depend on a different kind of examination. "Our schools," it is argued, "produce moral and religious rather than educational results. They have a missionary character. It is most unfair then to apply to them the test of the three R's. We ask for a moral examination. Let the inspector come in without the slightest notice, so as to find the school in its ordinary condition; and if he is satisfied that the moral work is genuine, then let the grant be made." There are manifold answers to this, plausible as it sounds. Parliamentary grants are to promote education, that is, mental



training. With moral and religious agencies the public treasurer has nothing to do. If the State is to subsidize missions to children, why not to adults also? If, under colour of an educational grant, the Government were to promote home missions, the trespass on the domains of private benevolence, once begun, would not end there. Besides, the scheme would never work. Suppose the inspector came in and found the school in confusion (and these lower schools are more exposed to fits of chaos than the upper), he would be importuned to pay another visit, and ignore the first. If he yielded to such solicitations, he might almost as well abandon his office at once. But there is another objection still more fatal. I believe the inspectors are almost unanimous in declaring that none but an educational test can be trusted. From my own experience I am entirely of the same opinion. I have often gone into a school as inspector, been very much pleased with the general appearance, the order, the system, and so forth, and yet, by the time my examination was over, my favourable impression has faded away, and I have had to pass an almost unqualified condemnation.

3. The third demand is for more money. Before we give an answer to this, let us see how the matter stands at present. There are three distinct grounds on which grants are given: (1) 4s. a head on the average attendance; (2) an additional 6s. 6d. for every infant under six, who has attended 200 times during the year; these infants in fact are, as Mr. Lowe says, "little treasures" to their school as well as to their parents; (3) an additional 8s. for every child above six, who has attended 200 times, subject to examination, that is to say, 2s. 8d. for each of the three R's in which he passes. There are six standards of progressive difficulty in which the child may be examined; and it is stipulated that every child must be presented for examination in a higher standard than that he was tried in the previous year. The grant thus gained is liable to deductions on various grounds; but, as none of them specially affect schools for destitute children, they need not be dwelt on.

Now, as the children in the lower schools cannot possibly be

so proficient in the three R's as those in the upper, many a 2s. 8d. would be lost. But the loss would be more than counterbalanced. While the permission to employ uncertificated teachers would effect no inconsiderable saving, the amendment of Denison's Act for which I have pleaded would yield a notable increase of income. I reckon that the grants for the children of outdoor paupers, on the plan I have proposed, would average 4s. or 5s. apiece ; and as the great majority of these children would go to the lower schools, their finances would be greatly benefited.

Upon the whole, if the matter were left thus, the lower schools would, I think, get practically quite as much, if not rather more than the upper. There is, however, a disposition at headquarters to bear hard upon these schools in an unfair manner. After the last examination, the managers of the Bristol Ragged School received a communication to the effect that "their Lordships felt considerable hesitation in allowing an undiminished grant to the mixed school, in consequence of the great number of failures in arithmetic, and the very small proportion of children presented above even the second standard." Now this fast and loose administration ought to be protested against. This warning is given under cover of one of the "supplementary rules" which "my Lords" issue from time to time, to the confusion of all school-managers. It is not to be tolerated that the conditions on which grants are given are to be liable to constant change. Moreover the new condition imposed in this case is specially indefensible. It is quite penalty enough to lose the 2s. 8d., without having a second penalty tacked on to that. If the managers say, "We have not a child to present for examination in any standard whatever," still, if they come up to the specified requirements in other respects, they ought to have the full grants for average attendance and for the "little treasures."

I have shown, then, that, if my proposals are adopted, the lower schools will receive fully as much as the upper. "But," it is said, "we want more ; we have no pence from the children, and we want further help to compensate for that." I hope this

plea will never be allowed. If the pence failed because the parents were merely poor, further help might be conceded. In the only case where genuine poverty is indubitably in question—the outdoor pauper's—further help is given. Before you can assist poverty, you must have a clear, simple definition of what poverty is. The receipt of parish relief is such a definition, and it can and will be acted on. No doubt there is a small class of meritorious poor, not paupers, that should be helped likewise, if possible. But till such a distinct definition of these poor as can be made the basis of a grant can be given, it is not possible to help them. For the rest, their poverty is vice-begotten; and if the State pays their children's fees for them, she only puts money into their pockets to spend on dissipation. The cry, "Most help for them who need it most," sounds very plausible. On a little examination, however, it turns out to mean, "Most help for those who deserve it least."

But there is another reason for refusing further grants. A persistent refusal will in time force the managers to try and extract some pence from their children. If the school is free to some, it need not be to all. Many that cannot pay a penny can pay a halfpenny. If you want to secure the co-operation of the parents, you must make them pay something. Of the two ragged schools in my own district, one under an energetic and devoted mistress is deservedly popular. I believe that, with the threat to refuse admittance on any other terms, she might have a penny or twopence a week from a half or two-thirds of her children. She tells me that payment is often volunteered, but that the rules of the school will not allow her to take anything. The school is in debt, and so there is a gleam of hope that the rules may be cancelled. When they are, the value of the school will be doubled.

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#### DISCUSSION.

Second Meeting of the Education Department, Wednesday, February 21st, 1866. George W. Hastings, Esq., in the Chair.

The minutes of the previous meeting were read, and signed as correct.

On the reading of the foregoing paper by the Rev. W. L. Clay,



Mr. JAMES VAUGHAN said there was one point which, as a magistrate, he felt bound to notice. He believed that the magistrates, as a body, were anxious to give effect to the Industrial Schools Act; but the schools were too few in number to meet the requirements of the case. For his own part, he was continually embarrassed what to do with the children brought before him. There were only two certified industrial schools for Protestant boys in London, and they were constantly full. Boys convicted of actual crime might be sent to a reformatory; but these two schools were utterly inadequate to provide for the vagrant children who could not be sentenced to a reformatory, and who were accordingly dismissed by the magistrates. Mr. Vaughan strongly recommended that measures should be taken to extend the provision for destitute and neglected children in the metropolis, and he felt sure that the magistrates would willingly co-operate by sending them into the schools whenever they had the power to do so.

Mr. GEORGE GODWIN, F.R.S., thought it was high time something should be done to rescue the miserable and depraved children infesting the streets of our cities, and of London in particular. From his own knowledge of the haunts of these children, he could affirm that they were systematically trained to vice and infamy, and that the localities in which they were to be found by thousands were neither more nor less than manufactories of criminals. The class of destitute and neglected children was a large and increasing one, and, unless some vigorous check was given to its growth, the results might be terrible. He thought the present state of things highly dangerous; that it threatened future disaster to the society which suffered it to remain.

Miss CARPENTER said that, in the few remarks she requested to offer, she would confine herself to such parts of Mr. Clay's paper as bore directly on the destitute and neglected children of our country. She quite agreed with him that all schools for children should be entirely separated from workhouses or any proximity to adult paupers. She had borne a strong testimony on that subject in 1861, when examined by the Poor-Law Committee, and had then asserted that no children were *per se* paupers, and should not be stamped as such; that schools for them should not be under the management of the guardians. If this were altered, and if there were a *compulsory* instead of a permissive Act, requiring that out-door relief to children should be given conditionally on their attending school, much would be done. The proposed extension of the Factory Act to all factories would be an immense advantage. A more active working of the Industrial School Act would also have an important effect on the destitute and neglected children. Under the Consolidated Act, which is being now prepared by the Government, she hoped many more schools would be commenced to meet existing needs. She had established one herself nine years ago in Bristol, and an existing school was certified about the same time. The magistrates had been at first sceptical, but for some years they had kept both schools full, by sentencing such boys to them as came under the conditions of the Act. But when all these agencies are brought into active operation, there will be still left thousands of children in every large town who cannot be touched by any of them, and

who cannot attend any National or British Schools, however these may be multiplied. A former speaker had truly remarked that real education could not be tested by the possession of reading, writing, and arithmetic, and that a useful, practical education, fitting a person for his position in life, may exist without them. Those children are entirely destitute of such education, and they require schools where they can achieve that, as well as the rudiments of knowledge. She would call such schools "Free Industrial Day Schools," because industrial work would form an essential element in them. Miss Carpenter explained at length the requirements of such schools. They would be costly and difficult to manage, but she fully believed that benevolent voluntary effort would be found equal to the wants of the country, if the Government took a fair share of the expense. She asked for the adoption of no new principle, but only an application to these children of those which the Government had already adopted. She thought that, if half the necessary expense of such schools were given by the Government, voluntary effort would be stimulated to grapple with the gigantic evil now felt in the existence of a portion of the population which yielded a constant supply of pauperism and crime; and this would be an immense benefit to the country.

Mr. Hurst, Mr. Beggs, Mr. W. O. Bridgeman, Mr. Griffiths, Mr. White, and Mr. Charles also took part in the discussion.

The CHAIRMAN said that he could not agree with the idea that had been thrown out, that we had made no progress in this question. On the contrary, the steps taken within the last fifteen years had been very considerable. It must be remembered that the children who filled the different institutions of reformatories, certified industrial schools, and ragged schools were all of one class, though the class might be divided into sections; it comprehended varieties, but it was one genus. At the top of the class, from age and experience, was the young criminal; next below, and ready to grow into the other, was the young vagrant; at the bottom, and constantly supplying the ranks of the two other sections, were the neglected and destitute infants. Now, at a great public meeting, held many years since, known as the First Birmingham Conference, where this subject was, for the first time, fairly grappled with, three distinct measures were propounded as necessary for the reclamation and, if possible, the extirpation of this class of children. The first was the establishment of reformatory schools, to which young criminals should be sentenced, instead of to the gaols; the second was the establishment of industrial schools, where young vagrants might be kept and trained to industry; the third was the establishment of appropriate and adequate schools, call them what you might, for the education and moral training of neglected and destitute children, growing, but not yet grown, into vagrants or criminals. In regard to all three measures common principles were advocated—that the class to be dealt with was exceptional, and exceptional treatment was consequently needed; that the institutions required should be started and carried on by voluntary agency, in order that the men and women who were suited to manage them might come forward; and that these voluntary efforts must be aided by Government grants, and be subject,



therefore, to Government inspection. The first two of these measures were sanctioned by Parliament, and have been carried into practical effect. The reformatory schools had been a great success, and the number of young criminals had been very much diminished since their establishment. The Industrial Schools Act (which was proposed by the Law Amendment Society, and carried chiefly through their exertions) was also a success wherever it had been fairly tried. In London it had not been fairly tried, though it had done good, and with time and patience would do much more. It was now asked that the third step should be taken, and that the same means which had been found so efficacious with the criminal and vagrant sections of the class should be applied, in a simpler and cheaper form, to that younger and more numerous section which supplied the other two, which was, as Mr. Godwin had well said, the raw material out of which vice, vagrancy, and crime were daily manufactured. All the objections which were now made to this proposal had been formerly made to the other two, and had been proved by experience to be wrong. They had formerly been told that reformatories and industrial schools should be left to private benevolence. It was answered, that private benevolence was inadequate to the task, and that the State must interfere in the public interests to check the growth of crime. That answer was now, in the light of experience, accepted as sound by all reasonable men. Again, it had been predicted that, as demand produced supply, the creation of reformatory schools would tend to increase the breed of young criminals. This had been asserted on no less an authority than that of the *Economist* newspaper. The figures of the judicial statistics showed that a result exactly opposite had followed. It was now said that the establishment of schools for neglected and destitute children should be left entirely to private philanthropy; that their promoters had no claim for Government grants, unless they came up to the requirements of ordinary schools as to certificated masters, and so on, or, in other words, unless they became useless for the purpose they were started to accomplish. Moreover it was prophesied that, if aided by Government, they would tend to create the kind of children suited for them. Such objections were as fallacious now as they were ten years ago. He repeated that the class was exceptional, and must be dealt with by exceptional means. No questions as to national education or Privy Council regulations were relevant to the matter. He thought the time had come when the Council of the Association should take up the subject, and urge it on the attention of Government and the Legislature. He concluded by moving—

“That the thanks of the Department be given to Mr. Clay for his paper, and that the same be received, printed, and circulated among the members.”

The motion was carried unanimously, and the Department then adjourned.

*Note.*—The Paper by Dr. Waddilove, on the “Expediency of making Marriage Civil Contract Compulsorily,” is postponed for want of space.—Ed.



*Shall Marriage be made Compulsorily a Civil Contract in the First Instance?\** By ALFRED WADDILOVE, D.C.L.

WE are now verging on the lapse of thirty years since the statute (6 & 7 Wm. IV. c. 85), entitled "An Act for Marriages in England," was passed, whereby marriage was pronounced to be a civil contract; for, although that proposition was not distinctly enunciated, still some of its provisions and the general letter and spirit of the Act unequivocally imply it: it was left to the option of the marrying parties to have their marriages contracted without any religious rite or ceremony whatever. It has been said that philosophers regard marriage as the union of the sexes; juriconsults as a civil contract; theologians or canonists as a religious or an ecclesiastical contract. The first of these definitions we pass by with the remark, that it merely indicates a natural instinct, which, if not regulated or controlled by some external influence, would be wholly unfitting for, or rather destructive of, the interests of any social community. It may be said that this is gainsaid by the thriving and happy condition of the strange association of the Mormonites; but we hear and read such conflicting accounts of that institution that it would not be safe to deduce any conclusion from their polygamous custom. The two other definitions have always, at least in modern times, been respected by the civilised world. Marriage has been viewed both as a civil and religious contract: civil as regards the interests of society, and religious as regards the consciences of mankind and the demands of the Church. Whether the presence of a priest (*i.e.* an ordained minister) was necessary to the validity of the marriage by the common law of England was elaborately considered by the House of Lords in the well-known case of "*The Queen v. Millis.*" The question was referred to the twelve judges, who reported vir-

\* Read February 12, 1866.

usually to the effect that the presence of a minister in holy orders was necessary to the validity of marriage. The legal peers, however, did not consider the opinion of the judges as conclusive; for, of their number—six—three adopted it, but three did not. The unanimous opinion of the judges, as enounced by Lord Chief Justice Tyndal, was, “That by the law of England, as it existed previous to the passing of the Marriage Act (26 Geo. II. c. 33), a contract of marriage *per verbâ de præsenti* was a contract indissoluble between the parties themselves, affording to either of the contracting parties, by application to the Spiritual Court, the power of compelling the solemnization of an actual marriage; but that such contract never constituted a full and complete marriage in itself, unless made in the presence and with the intervention of a minister in holy orders.” There would appear to be some inconsistency here; for if without the intervention of a minister the contract were indissoluble as between the parties to it, what additional effect would the presence of the minister or any religious ceremony give to the validity of the contract? It were surely a mere piece of supererogation “to make assurance doubly sure.” But we find that the legal consequences of the matrimonial status, such as dower, legitimacy of issue, &c. did not result from marriage unless had with the intervention of a priest; so that the parties might be left to live in legitimate concubinage, and not amenable to the ecclesiastical law for any breach of morality over which the Spiritual Courts were expected to exercise an active vigilance in order to punish the offenders. And a further explanation is, that the clergy claimed the power and the right of sanctioning marriage. The word *sanctioning* is strictly applicable, because that claim is founded on the desire and determination of the Church to give or withhold the nuptial benediction, thereby rendering the marriage holy and acceptable in the sight of God, or not. An ancient Anglo-Saxon ritual says, “A mass-priest should be present to bind their union with God’s blessing to all prosperity.” A feeling of satisfaction and security was created thereby, more particularly in the female breast. The custom became the law

of the Church, as administered in the Spiritual Court, in conformity with the Canon Law, much of which had been introduced into Britain before the Norman Conquest. But, in the more recent case of “*Beamish v. Beamish*,” also an appeal from Ireland, involving the curious question whether a priest could perform his own marriage ceremony, and thereby establish a valid marriage, the House of Lords again summoned to their aid the twelve judges, who went fully into the ancient law of marriage, and they clearly showed that the presence of a priest was not necessary to the contract of marriage; that the only essential condition to the marriage was mutual consent. This, however, it must be borne in mind, was without the English Marriage Acts: the marriage in question took place in Ireland, to which those Acts do not extend. This, therefore, was the rule of our common law, independent of any statute. At an earlier period Lord Stowell adopted that maxim when he quoted the words of Swinburne, in his book on *Espousals*:\* “That it is a present and perfect consent that which alone maketh matrimony, without either public solemnization or carnal copulation; for neither is the one nor the other the essence of matrimony, but the consent only—a mere contract *per verbâ de præsenti* in the Christian Church, which was a perfect contract of marriage, although public celebration was afterwards required by the rules and ordinances of the Canon Law.” And that eminent judge says himself, “The law of the Church, the Canon Law (a system which, in spite of its absurd pretensions to a higher origin, is, in many of its provisions, deeply enough founded in the wisdom of man), although, in conformity with the prevailing theological opinion, it revered marriage as a sacrament, still so far respected its natural and civil origin as to consider that where the natural and civil contract was formed it had the full essence of matrimony, without the intervention of the priest. It had, even in that state, the character of a sacrament; for it is a misapprehension to suppose that this intervention was required as a matter of necessity, even

\* *Dalrymple v. Dalrymple*, 2 Hagg. Con. Cas.



for that purpose, before the Council of Trent." We may trace, in the early days of Christianity, the cognizance required by the Church of the intended marriage of the faithful. To prevent Christians from marrying Jews, the former were obliged beforehand to inform the Bishop of their Church with their design of marrying, that if any obstacle appeared they might be dissuaded and diverted therefrom. Thus Ignatius writing to Polycarp, who lived about one hundred and fifty years after the birth of Christ, says: "It behoves those who marry, and those that are given in marriage, to take upon them that yoke with the consent or direction of the Bishop, that their marriage may be according to the will of God, and not their own lusts.\* Marriage that was not approved of by the Church was not ratified by its consent. The publication in the assemblies of the faithful—the church—of the names of those about to marry was but the natural means of preventing improper and unholy and also clandestine alliances. Several Councils of Western Europe had declared that there should be three distinct publications of banns previous to marriage: this dogma was followed by the decrees of other Councils in Britain itself before the Conquest, borrowed from the Canon Law much which had been introduced into this country before the arrival of William. With him, however, it gained a stronger footing. Lanfranc, who, from the office of Abbot of Caen, had been raised by the Conqueror to the Archbishopric of Canterbury, was a zealous adherent of the Papacy; and William owed much to the Pope of that day (Alexander II.), for the countenance he had given to his conquest. To Lanfranc, his Archbishop, was also indebted for the discovery of a conspiracy among his barons to deprive him of his crown; he was thus prompted, if not from gratitude, still by the stronger motive of interest to pervert the spread of ecclesiastical sway. But when Gregory VII. succeeded Alexander—that ambitious Pontiff, who coveted the temporal as well as the spiritual sway of the civilised world—no limit was fixed to his endeavours to that end; and although

\* Bing. Christian Antiq., vol. ii., p. 223.

William sternly refused to do him homage, yet in all matters connected with religion the Pope was paramount. Three years after his election as Pope, a council was held under Lanfranc at Winchester (A.D. 1076), whereat it was resolved that a marriage without the benediction of a priest should not be a legitimate marriage, and that other marriages should be deemed fornication; other councils framed resolutions in the same spirit. To Pope Innocent III., who was elected in 1198, is attributed the decree that marriages should be solemnised in the church. We now pass on to those pages of our history which narrate the proceedings relative to the annulling the marriage of Henry VIII. with Catharine of Aragon; and they show how completely and how firmly the ecclesiastics held in their grasp the exclusive control over the marriage-contract, and how submissively the nation acquiesced. And even our Reformers, with all their determination to ignore the spiritual policy of the Church of Rome, although they discarded marriage from the grade of a sacrament, they still regarded it in so strong a religious light that the Church, and the Church alone, was still to determine its validity; and the forms and solemnities to establish that validity were to be defined by herself. Accordingly the code of laws known as the *Reformatio Legum Ecclesiasticarum* directed that marriage was only to be after three Sundays or holydays, and that those who were married in any form than that in the book of service were to be esteemed not lawfully married. The form was introduced from the Romish Ritual into our first Prayer-book, styled the Primer; and it was, with little variation, retained in the subsequent Books of Common Prayer, and has thus been handed down to us to the present day. But during the Commonwealth a law was passed directing marriages to be contracted before a justice of the peace, in the presence of witnesses; and it was declared that no other marriage whatsoever within the commonwealth of England should be held or accounted a marriage according to the law of England.\*

\* Scobell's Tracts, Comm., ann. 1653, c. 6. Burton's Diary.

This latter enactment was, however, three years later, repealed.\* These marriages were, in the first year of the Restoration of Charles II., declared valid by a special Act of Parliament.† Although it was the determination to subvert everything indicative of Monarchy or Episcopacy, and every vestige of a State religion, which prompted that measure, still the adherents of Cromwell, fanatics though they were, were strongly impressed with religious and devotional feeling, and had the contract of marriage been of that sacred character alone with which the Church had stamped it, they would have hesitated long before they had made it a mere secular engagement. The reign of Charles II. restored the ancient order of things; the Common Prayer Book became an Act of Parliament, and the rubrics relative to marriage became binding on the English nation. They were, however, only directory; for although Acts were passed‡ to punish those who solemnized marriage otherwise than as the rubrics directed, still such marriages were not invalid. Great abuses resulted from this, until the evil became so great from the number of marriages clandestinely had in the Fleet Prison and elsewhere, that the Legislature interfered, and after much opposition, the 26 Geo. II. cap. 33, known as Lord Hardwicke's Act, was carried in the session of 1753-54. It enacted that marriages should be preceded by banns, to be published on three successive Sundays in the parish church of the parties to the intended marriage; that licenses for marriage should not be granted to minors without the consent of parents or guardians, and that the power of granting special license should be reserved to the Archbishop of Canterbury; and that marriages not celebrated in compliance with the provisions of the Act should be null and void, and that the person solemnizing should be liable to transportation for seven years. This put stop to the Fleet and Mayfair marriages, and arrested Keith and other disreputable clergymen in their disgraceful career. The desire to prevent clandestine marriages, by declaring those ha

\* Ibid. ann. 1656, c. 10.

† 12 Car. II. c. 23.

‡ E.g. 6 & 7 Wm. III. c. 6, 7, and 8; Wm. III. c. 35; 10 Anne, c. 19.



without the consent of parents or guardians null and void, was too hastily acceded to. The necessity for such consent worked great hardship and inconvenience, and the nullity of a marriage without it produced flagrant evils—oftentimes a state of concubinage and the illegitimacy of children. It was not, however, until the nation had for nearly seventy years tolerated these evils that the Legislature was induced to mitigate them. Although during the five years preceding the passing of the Act (3 Geo. IV. c. 75) entitled “An Act for the Amending the Clandestine Marriage Act, 26 Geo. II. c. 33,” three Bills on the subject had passed the House of Commons, they were each in their turn rejected by the House of Lords; but at length an Act passed both Houses, by which marriages had without due consent, and which by the existing law were therefore null and void, were, provided no sentence declaratory of their nullity had been pronounced, to be treated as valid; and secondly, that the marriage of minors had without due consent should be voidable only, and not void, and that they should be liable to be annulled only during the minority of the parties, and at the suit of the parents or guardians. There were certain formalities required, rendering the operation of the Act cumbersome and vexatious, and therefore very unpopular, especially among the lower orders. The impediments it threw in the way of marriage caused a diminution in the average annual number, thereby showing that some persons preferred cohabitation without the sanction of a marriage-ceremony to obedience to the prescribed formularies; and at the commencement of the next session of Parliament several of the obnoxious clauses were repealed by the 4th Geo. IV. c. 5, which was, however, but a short-lived Act, for it was passed on the 26th of March, and was repealed on the 1st of November following, having existed for seven months only. A committee of the House of Lords was then appointed to frame a more acceptable measure; hence resulted the 4th Geo. IV. c. 76, which we may term one of “our present Marriage Acts.” It repealed the 26 Geo. II. c. 33, but it adopted its main provisions as to the mode of solemnizing

the marriages of the mass of the community. It required that banns or license should precede a marriage, and that it should be solemnized by an ordained minister of the Church of England, in a church or authorised chapel, between the hours of eight and twelve, with an exception in favour of Quakers and Jews. Thus all classes intending a valid marriage, save Quakers and Jews, were compelled to resort to the Church, and to submit to her ceremonial. The Nonconformists naturally felt themselves aggrieved at this ; but notwithstanding their petitions to Parliament for relief, it was not until the passing of 7 & 8 Wm.IV. c.86, that their prayer was granted. For although in 1827 a Bill for the purpose passed the House of Commons, and progressed as far as a third reading in the House of Lords, owing to the late period of the session it was postponed. In 1834 Lord Russell, then in office, introduced a cognate Bill ; but it did not pass. In the following year, Sir Robert Peel, who had become Chancellor of the Exchequer, in the change of ministry, followed in the wake of his former opponent. He brought in a Bill whereby it was proposed to enable Dissenters only, to contract marriage by a civil form before a magistrate, without any religious ceremony whatever. This attempt to free Dissenters from the restriction on their marriages also failed. In the following year, Lord Russell, who had returned to office, brought in two Bills simultaneously, as being intimately connected, it having been wisely conceived that, next to settling the mode of contracting marriage the most important step was to record and preserve the evidence of that fact. Thus one Bill was entitled, "An Act for Registering Births, Deaths, and Marriages," and the other simply "An Act for Marriages in England." After some opposition in the Commons, but a more determined resistance in the Lords, to the latter, they became law. The main difference between the rival statesmen was, that Sir Robert Peel's measure proposed to enable Dissenters *only* to contract marriage solely by a civil process, whereas that of Lord Russell enabled all parties, of whatever religious denomination, to do so, if disposed. This was our last Marriage Act ; for, although some amending Acts have been

passed, they have not materially affected its provisions. So that we may briefly say, the members of the Church of England have the 4th Geo. IV. c. 76, and Dissenters the 7 & 8 Wm. IV. c. 85, to regulate their modes of contracting marriage. Quakers and Jews are left to their own peculiar ceremonies. Roman Catholics are in rather an anomalous position: their priests are deemed to be in holy orders; they regard marriage as a sacrament; but they can claim the privileges passed by both of these Acts of Parliament.

We have now sketched, although it must be admitted in mere outline, the progress of the treatment both by the Church and the Legislature of the marriage-contract. It may be summed up by saying that the Church, from the earliest dawn of Christianity, claimed for herself supervision over and control of that contract. This was tacitly submitted to, or rather encouraged, by reason of the fears and superstitions of the people, who naturally deferred to that authority from whose favour or denunciation resulted so much of good or evil. That feeling still exists, prompted by a nobler and purer motive: not only well-disposed minds, but the bulk of society in general, even in its lower grades, desire some sanction, in its nature religious, on their matrimonial union.

In the month of March last, a Royal Commission issued to inquire into and report upon the state and operation of the various laws now in force in the different parts of the United Kingdom with respect to the constitution and proof of the contract of marriage. It was the flagrant evils lately disclosed in a very remarkable case\* of disputed marriage, arising from the uncertain and conflicting marriage law both of Ireland and Scotland, that has induced that step; to endeavour to simplify and assimilate, if possible, the law of the three parts of the empire. This, in itself, is a task of extreme difficulty. In Ireland the Commission will have to contend with the Roman Catholic element, and in Scotland with the tenacity with which the people cling to their prejudices and ancient customs, and,

\* *Yelverton v. Yelverton*.



moreover, with the defence by some of the loose and irregular manner in which their marriages may be contracted. That our own marriage law may be amended will, we think, not be denied. In the first place, we have the startling position that boys of fourteen, and girls of twelve years of age, can contract a valid marriage. To some it may appear that these are mere idle words; that no children of that tender age would contemplate such a step. Experience, however, proves that some precocious spirits are in advance of their years; but a greater evil may arise than a spontaneous desire for marriage. Lord Coke himself forced his step-daughter, at the age of fourteen, in order to restore himself to the favour of James I., into a marriage with Sir Joseph Villiers, the brother of the favourite Buckingham. Almost in our own times, a young lady of fifteen was inveigled into a marriage with a man, for his own mercenary purposes, more than double her age.\* The marriage was valid, and was only set aside by a special Act of Parliament. The records of the late Ecclesiastical Courts will furnish similar instances of both male and female *children* being entrapped into marriage.

Much has been said on this subject; the question was fully discussed in the "Projet de Loi," previous to the formation of the Code Napoléon, which provides that no male shall marry under eighteen, nor female under fifteen; with a proviso, however, that, for grave reasons, the State may dispense with those restrictions. As to the age of twelve in females, Numa Pompilius, in the earliest days of Rome, fixed that age, that a husband might train to his will a pure and obedient virgin. That maxim will not suit the feelings of subsequent times. Until the Wills Act of 1838, minors after fourteen in males, and twelve in females, could make a will disposing of their personal estate. The Legislature wisely determined that, in future, no person under twenty-one years of age could make a valid will; and we cannot but think that the same paternal vigilance should control the disposal of minors themselves in marriage, and protect them from imposition. The law of the Commonwealth to which we

\* Miss Turner's case, for whose abduction Mr. Wakefield was tried and convicted.

have alluded, compelling civil ceremony of marriage alone, also provided that males should be sixteen, and females fourteen, before they contracted marriage. We have said that we have two standing marriage laws—the 4th Geo. IV. c. 76, and the 6 & 7 Wm. IV. c. 86. Although they do not conflict, still much inconsistency results from them. They conjointly provide seven different processes by which marriage may be contracted:—

- 1st. By banns duly published in churches or authorised chapels.
- 2nd. By license granted by a Bishop or his official.
- 3rd. By special license by the Archbishop of Canterbury for solemnization at any time or in any place.
- 4th. Upon a certificate from a District Registrar, in any place of worship registered for the purpose.
- 5th. At the District Registrar's Office, without any religious ceremony.
- 6th. By ministers of the Church of England, upon the certificate of a District Registrar.
- 7th. By license of District Registrar, in a registered building.

And to these may be added a second ceremony, which may be performed in the church, after a complete marriage at the District Registrar's Office. If uniformity in the manner of confirming the marriage contract be desirable, our present marriage law does not afford it. Shall we not then make it so? Let us cut the Gordian knot, and pronounce marriage to be simply and *imperatively* a civil contract, valid, if there be no legal impediment, to all intents and purposes, by observing certain rigid forms in the presence of some civil officer and witnesses, with immediate registration. By so doing, we should not only clear away all discrepancies in the mode of contracting marriage in England, but we should also free Scotland from the reproach of her lax system of permitting irregular marriages, and thus certainty and order would supplant anomaly and confusion. In Ireland we should remove the difficulties attending the mixed marriages of Roman Catholics with those of other persuasions, and we should establish a complete registration of all marriages throughout the United Kingdom, together with one uniform unmistakeable manner of cementing the matrimonial contract. But although this civil ceremony should constitute a valid marriage, it is not intended

nor is it to be expected that the parties to the marriage would be satisfied with it. The certificate of the civil officer should be very much in the form of that now given by the District Registrar when marriages are had before him ; but it should contain an intimation " that the certificate is given for the purpose of a religious ceremony in addition to the civil process." This is done in France, where, under the Code Napoléon, all marriages must be entered into before a civil magistrate, and it is said by authority that a religious ceremony almost invariable follows the civil one. It is true that marriage is there deemed a sacrament, and persons would be unwilling, if not from a sincere religious feeling, at least from the fear of incurring the displeasure of their pastors, to live as man and wife without the sanction of the Church. But we trust that a similar feeling would prevail in our own Protestant country, and that although the bond of marriage may not be invested with that sacred character outwardly, yet that feelings of as strong and reverential a nature actuate the people of our own nation when they contract that solemn engagement. Very recently, within our own experience, a marriage had taken place before the District Registrar : some little time afterwards, the parties themselves and their friends were most anxious to repeat the ceremony with the rites of the Church. This the Act of 6 & 7 Will. IV., c. 86, enables them to do, and instead of remaining satisfied with the civil process, they have sought the sanction of the Church on their union ; and this, we think, would be the feeling of the community at large. The returns of the Registrar General on the subject of marriage tend to support this view. The Act of 7 & 8 Will. IV. c. 85, empowering marriages to be had upon the certificate of a District Registrar, came into operation on the 1st of March, 1837. It appears from the returns of the Registrar General that, in the year 1849, out of the total number of marriages in that year (141,883), 2593 were solemnized according to the rites of the Church of England, and 12,861 in registered places of worship, making a total of 15,454 marriages had upon the Superintendent Registrar's certificate, in which the parties might have been



married at the District Registrar's Office, but they preferred resorting to religious sanction ; 90,644 marriages were preceded by banns, and 16,697 by license, making together 107,341 as against 15,454 preceded by the certificate of the Registrar. In 1862 the total number of registered marriages was 164,080, of which 19,486 were by license and 102,870 by banns ; in registered buildings of worship not of the Church of England, and therefore upon the Superintendent Registrar's certificate, 21,215, as against 122,356 had after license or banns ; at the Registrar's Office, without religious ceremony, 2723 marriages were contracted. This tends to show that some of the community, let us hope from a desire to have the sanction of religion on their union, are not content with a merely civil form of marriage. Let us now glance for a moment at the present course adopted by those desirous of marriage. As to the lower orders, they have their banns published ; they go to church to be married, as their ancestors have done before them, and as their neighbours do. The ceremony costs them little ; there is some excitement on the occasion ; their friends attend as necessary witnesses, and merriment and festivity follow. There is little of religious feeling or even decorum evinced ; still it is a custom they would not readily abandon. Far be it from us to wish to see the sanction of religion withdrawn from the most important and binding obligation of life : all that we would urge is, that the religious ceremony should be preceded by a formal, binding expression of free will and consent of the parties to the marriage in the presence of some public officer, and duly witnessed, certified, and recorded, but which should in itself constitute a good and valid marriage, provided there be no legal impediment, without any religious ceremony to follow, should the married parties not require it ; and it should not, therefore, be incumbent upon those about to marry to resort to a church or other place of worship to effect their object. It will here, no doubt, be said it is not compulsory upon them to do so now, inasmuch as they may contract a valid marriage at the District Registrar's Office without further ceremony or form ; but we must bear in mind that the marriages of

the lower orders are almost always preceded by banns, and the Church ceremony follows as a matter of course : it is seldom that this class avail themselves of the authority of the District Registrar. Let us advance in the social scale, and take the lower middle class, the well-to-do tradesman. Many of that class do not conform to the Established Church ; they, therefore, do not seek her aid or sanction in contracting matrimonial alliances ; but they do not, however, content themselves with a mere civil form, but resort to their own place of worship for, a religious ceremonial. Advance again in the social scale. Few, very few, of the upper classes contract marriage at the District Registrar's Office ; but the church is deemed by them the place where they ought solemnly to pledge themselves to observe the obligations of marriage. From this we would infer that the bulk of the community would not rest satisfied with the mere civil form of marriage, valid though it were. It is well known that the course we are advocating is followed in the Code Napoléon ; it may therefore not be out of place to adduce its effect. It appears, from information we have obtained, that, in reply to the question put to the Minister of Justice, in Paris, "In how many cases is the civil ceremony followed by a religious one ?" that functionary says, "It is impossible to ascertain the number of cases in which the civil ceremony is followed by a religious one, but it may be safely affirmed that it is almost always so followed, public opinion viewing with disfavour those who in such circumstances emancipate themselves from the duty imposed by their religion." These last words, it must be admitted, point to the sacramental character of marriage as held by the Roman Catholic religion of France ; but we must repeat, that although Protestant England does not invest marriage with the sanctity of a sacrament, she still venerates and treats with religious respect the holy state of matrimony. From the same source we learn that, in addition to France, in Belgium, and Holland (a Protestant country), this rule has prevailed since 1803. On the 1st of January, in the present year, it was introduced into Italy. Portugal also is about to do the same ; but an influential statesman, the Duke de Saldanha, has strenuously

opposed it by reason, as he alleges, of its tendency to Protestantism and rationalism. In America, marriage may be contracted in the presence of a justice of the peace, in his own county, without any form or ceremony, save that the parties declare they will live together as husband and wife.\* We have endeavoured to meet the objection to our proposal, that it would tend to lower the sanctity of the marriage tie. There is another, that it would encourage clandestine marriages. But under the present system nothing is more easy than to make a secret marriage. In small rural parishes the publication of banns may be a preventive, but even in those districts persons may and do resort to strange churches where they are unknown; in populous parishes banns for the purpose of publicity are a delusion. As to marriage by license, any person, either man or woman, may go to an office in the neighbourhood of St. Paul's, and in a few minutes procure a document for a marriage to be solemnized as soon as he or she can reach the church or chapel in the parish or district of which he or she have had but a fictitious residence; and although there may be many persons present, they are known to no one. It would not be difficult to enlarge on our subject, but we must conclude. We would then venture to suggest for your consideration, whether it is not desirable to establish uniformity in the mode of contracting marriage throughout the United Kingdom, together with a prompt and uniform registration by the course we have described, viz. by resorting compulsorily in the first instance to an appointed officer, in whose presence the declaration should be made and the forms observed as are now required to be done before the District Registrar for his certificate. It might be desirable that more publicity were given to the intended marriage by exposing the names in a more frequented place than his office; this, however, is but a portion of detail. The marriage certificate should contain an intimation that it is granted expressly as preliminary to a religious service. That no minister of any denomination should be compelled against his will to perform the ceremony, but that it should be left to his own feelings whether he would do so or not (we trust

\* Walker on American Law, p. 237.



few would refuse), with a proviso, as in the case of the marrying divorced persons, that if he himself decline to perform the ceremony, he should permit any other duly qualified minister to do so in his church or chapel. In the present uncertain state of the marriage law of the united empire, a decisive step should be taken. The course recommended here may not perhaps be perfect; what human provision is? but we would say, in the language of the Roman satirist,

Si quid novisti rectius istis,  
Candidus imperti si non his utere mecum.

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#### DISCUSSION.

Sixth Meeting of the Department of Jurisprudence and Amendment of the Law, Monday, January 12th, 1866; W. M. Best, Esq., in the Chair.

The minutes of the last meeting were read, and signed as correct.

On the reading of the foregoing paper by Dr. Waddilove,

Mr. JOHN HODGKIN said that the meeting was greatly indebted to Dr. Waddilove for his masterly *history* of the English law of marriage, and statement of its present condition. He thought, however, that the change which he proposed to introduce was unnecessary, at least so far as related to this part of the United Kingdom. As the law now stands, members of the Church of England may be married according to the rites of their own Church; Quakers, Jews, and all other religious bodies by a religious form accordant with their own distinctive doctrines and usages; and those who desire no religious rite may be married by a purely civil ceremony before the registrar. Thus in no case is any burden imposed upon conscience, whilst the complete civil evidence of all marriages is collected and concentrated through the office of the Registrar-General; and yet the State does nothing to induce any who are religiously disposed to regard marriage as only a civil contract. To regard it as God's ordinance, and to have a religious sanction attached to it, correspond with the religious feeling of the vast majority of the inhabitants of this country; and to deprive it of a religious sanction would probably tend to increase the already fearfully augmented business of the Divorce Court. As to Scotland and Ireland the case may be different. In Scotland there is a laxity in the evidence required, which is perfectly astounding in so highly moral, intellectual, and religious a people. And in Ireland the difficulty of securing complete evidence and complete validity for all marriages, without unduly interfering with the Roman Catholic priests, may possibly call for some general secular measure. Let the proposal, then, if adopted at all, be tried in the two parts of the empire where a change is called for; and let us not on theoretical grounds, or with a view merely to uniformity, interfere with and alter that which works well for England.

Mr. EDGAR said that, although Dr. Waddilove's view was perhaps

theoretically right, it did not seem under all the circumstances quite practicable, and certainly was not necessary to meet the evils that now existed. In England, it could scarcely be said that any real grievance arose under the present system. In Scotland, the law with respect to regular marriages was on the whole satisfactory, and for the abolition of irregular marriages it was hardly necessary to introduce so sweeping a measure as Dr. Waddilove proposed. With respect to Ireland, it might be feared that a still stronger objection would be felt on the part of the Roman Catholic clergy to the plan suggested, than to a simple system of registration which would obviate many of her present evils. Although Dr. Waddilove's scheme would certainly remedy all existing deficiencies both in Scotland and Ireland, still this might be done without having recourse to a measure of so extensive a character, and likely to be so strongly objected to in many quarters.

Dr. PANKHURST agreed with the proposal of the paper. Marriage was a civil contract, whose essence was the consent of fit contracting parties. Therefore the marriage ceremony should extend to three points—to evidence consent, to prove the capacity of the parties as to person and position, and to put on record the fact that the contract had been entered into. Such provisions in substance existed in the French law. The Scotch law, though resting firmly on the principle that consent was the essence of the contract, neglected to surround the marriage ceremony with sufficient evidentiary formalities. The proposal would place the law of the empire upon a sound, simple, and uniform footing. He moved

“That the paper now read be printed and circulated.”

Mr. FREDERIC HILL having heard the matter debated from an English point of view, he was in hopes that some of his Scottish and Irish friends would have risen to state their opinions. As regarded Scotland, he was able to say that, so far as regards our countrymen there, no serious opposition would be made to any alteration which should afford security that the consent of the parties, the sole fact determining the validity of a Scottish marriage, should be not, as it now may be, the passing whim of the moment, but the expression of a deliberate determination. He quite agreed that, with proper restrictions as to age, or, in the case of minors, with the concurrence of the parents, consent should be the only matter to establish; but he thought no one could defend the loose manner in which, in Scotland, the question of consent is now determined. With respect to Dr. Waddilove's proposal that every marriage should be solemnised by a registrar, and that no marriage otherwise entered into should be valid, he confessed that, while there was much to recommend such an arrangement, he agreed in much that had been said against it. He would be sorry to see anything done to impair the religious feeling and to undermine the religious rites now surrounding this most important of all contracts; and moreover, so strongly is public opinion, in England, in favour of the present custom, that he should look upon a proposal of this kind as fatal to the success of any legislative measure on the subject. On the other hand, it would be impossible to extend the English marriage law to Scotland; and in the Church of the majority in Ireland, what-

ever may be the case in the Protestant Church there, there does not, he feared, exist a body of clergymen who could safely be entrusted with the same power as can be placed in the hands of the highly educated and respectable men who, for the most part, constitute the English clergy. But, with these great differences, how is uniformity to be obtained, and how are such scandals as that which came to light in the Yelverton case to be prevented? It seemed to him that this great desideratum may be attained by only a slight modification of the plan recommended by Dr. Waddilove, but a modification which would, he thought, render his plan acceptable to all parties. Instead of requiring that the registrar should, as it were, be the chief functionary in every case, he would suggest that all that the law need stipulate for is that the registrar or a deputy registrar should be *present* at every marriage, and should be one of the witnesses to the record of it. This would secure that a person acquainted with the law and its requirements as to age, &c., and responsible to the State, was in possession of all the facts, and in a position to prevent wrong doing, and at the same time would leave such country to follow, almost as now, its inclinations and customs.

Mr. JOHN SMALE, in seconding the motion, made some observations upon the manner in which marriages were contracted in China.

The CHAIRMAN said, Dr. Waddilove is mistaken in looking on marriage as an invention either of civil society or of religion. The arguments of Puffendorf (*Jus Nat. et Gent. lib. 6, cap. 1*) have convinced me at least that it was originally an institution of *natural* law; a law described by Suavez (*De Leg. lib. 2, c. 17, s. 6*), a publicist of a very different school, as "regulated not by its accordance with sensitive, but with rational nature," to which municipal law and religion add fresh sanctions and forms. So far as *England* is concerned, there seems no *practical* grievance on this subject at the present day, and it seems very doubtful whether the law ought to be changed on account of a *theoretical* one. Persons who belong to the Church of England, the religion of the vast majority of the nation, are married in church according to its prescribed rites; those who dissent from them, but still desire a religious sanction to their marriage, have it solemnised elsewhere; and those who dislike all religious ceremonies in marriage are married by the registrar. With Scotland and Ireland the case is different. By the law of the former country, a gentleman and lady, sitting in a railway carriage or an opera-box, may without writing or witnesses contract a valid marriage. It seems monstrous that this should be so; yet the Scotch would probably resist any change. In Ireland the law is even more unjust and irrational. The great majority of its inhabitants are Roman Catholics, and yet a clergyman of that creed who celebrates a marriage between a Protestant and Roman Catholic is guilty of felony, although his orders are recognised as valid by law, so that he could solemnise one between two of his own persuasion. This state of things is a remnant of the old "*odium theologicum*," and loudly calls for amendment.

The motion was put, and carried unanimously.

The Department then adjourned to Monday, the 26th instant.



*Affiliation of Illegitimate Children.\** By JOHN GUEST.

I HAVE viewed the mode prescribed by law for the affiliation of illegitimate children as one at once indecent, cruel, and dishonest—one which subjects the poor frail victim of a first fault to a public exposure from which a public prostitute might shrink, and brands her with an open shame, which in too many cases leaves her, if not without the desire, without the hope of restoration to virtue and respectability.

I believe few persons not magisterially or officially engaged would care to be present often at a special petty sessions for hearing bastardy cases. The scene presented is one which, by turns, oppresses the reflective mind with a sense of deep humiliation or of burning indignation.

As a matter of course, the more persistent the solicitor is "to get out," as it is called, the filthiest details of the case, the more is the hideous hilarity and enjoyment of that reprobate throng of eager listeners, with their strained necks and gloating eyes, gratified and enhanced; and also as a matter of course, the more unwary and innocent the victim is and has been, the more is she unable and unwilling to give details which will establish her case; but if she does, and if the partner of her sin, but not of her shame, has to contribute to the maintenance of the child, after such an ordeal of exposure and suffering, what care can she have for future consequences? what chance has she of retrieving her character? what encouragement to return to the path of propriety and virtue?

There is no doubt but that this remarkable and un-English law was intended to deter females from departing from the path of virtue, as was the "scarlet letter" of the Puritan fathers and the public penance of the Scottish Kirk. It is very doubtful if

\* Read Monday, February 26, 1866.

it ever deterred one; but what it has done to a great extent is so to have destroyed all ingenuous feeling of modesty and self-respect, and so to have excited immoral notice and attention, as to leave the return to that path very difficult, if not impossible. It is too often the case that females who have been thus exposed have again and again to appear in the same condition.

The cruelty of the law consists in its allowing the court to be filled with persons who have no connexion with the cases, and are only there for the gratification of their prurient and filthy propensities, but whose presence, in many cases, so intimidates and deters the woman from saying all she could and would say under different circumstances, that rather than make herself a laughing-stock for such an assemblage, she will run the risk of having to maintain the child. Justice consists in giving both parties an equal chance; in this case can the woman be said to have an equal chance with the man? Of course I am aware that the man is not always the seducer, and also know that the abuses which existed under the old law called for some stringent change; but I do not think it was right or politic to place all the stringency against the erring female, to put upon the weaker one all the onus of proof of circumstantial detail in open court of things in their nature so usually shrouded and shielded from public gaze.

Generally the man, who is often the guiltiest of the two—the one who has conceived and contrived the ruin of the other—has but little to do, little to risk, and less to suffer; the victim will generally, under the examination of his lawyer, state either too much or too little; all he has to do, at the most, is to protect his pocket; his character is not damaged, his position is not prejudiced—the more shame to society it is not; on the contrary, amongst his own crew, he has rather attained a certain sort of notoriety by no means inimical to his future peace or prospects; and if he succeeds, by perjury or otherwise, as is too often the case, in defeating the claim, he is hailed as one who has accomplished a dangerous feat and escaped its consequences. Be this

as it may, I think it will be acknowledged that these results, either for one party or the other, cannot be in accordance with impartial justice or promotion of public morality—much less do they impress the mind with a consciousness of the due or even tender regard which should be had towards those erring young women, who, comparatively uneducated and undisciplined, are yet expected to resist all temptation and repel all natural inclination, whether approached in the unsuspected form of a first love, or from the more dangerous wiles of the practised deceiver.

In conclusion, I believe this unequal and, as I think, cruel and indecent mode of dealing with affiliations has to do largely with the ghastly increase of infanticide.

I believe it has been officially stated in defence of this law, that during its operation bastardy has decreased. It may, as far as figures are concerned; there may have been fewer affiliations, but there have been more murders. In my opinion, this is the inevitable consequence of its inhuman and inequitable requirements. The difficulty, the disgrace, the degradation submitted to in attempting to affiliate a child, quicken the incipient idea of the dreadful alternative—its death.

As to amendment of the law in this matter, I think all its proper purposes would be met by affiliations being made in the presence only of the magistrates and other persons, professional or otherwise, connected with the case.

That at least one of the suggestions made by Mr. Vivian at the meeting of the British Association might be wisely adopted, namely, that it should be the duty of relieving officers to promote the obtaining of orders of affiliation, and endeavour to ascertain the parentage in cases of illegitimate birth, so as to prevent the burden from falling upon the union, or exclusively upon the mother, in consequence of lapse of the statutory time in making the application. It is not easy to imagine a more helpless or forlorn condition than that of a young woman obliged to leave her situation in the family-way, without means, and hav-



ing by her indiscretion perhaps offended her friends—themselves, perhaps, not more discreet than herself—without even the money necessary to pay for the summons, much more the fee of a solicitor to support her case. In these circumstances, the intervention of the relieving officer would be both proper and politic, and the active interference of such an officer, tending to make the escape of the man from charge more difficult, would be more likely than anything else to have a more deterring effect than the shameful exposure of the woman.

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## GAS-WORKS AND THEIR OWNERS.

By SAMUEL HUGHES, C.E., F.G.S.

IS it desirable that the supply of gas and water to towns should be undertaken by the local authority in preference to a joint-stock company? Although this question has been discussed for many years, both in and out of Parliament, it does not appear yet to have received a satisfactory solution. The proceedings of Parliamentary Committees when called on to sanction Bills for enabling local authorities to supply gas and water in their respective towns afford probably the best evidences of the opinions which have prevailed on the subject in the minds of those most qualified for its consideration. Thus we find that in former times Parliament seems willingly to have granted powers to local authorities to erect both gas and water-works, and to supply these necessary articles to all consumers who required them. But during the last few years a change seems gradually to have been taking place in this respect. It is true that under certain general Acts, such as the Local Government Act, a general power is given to Local Boards of Health to become owners of markets and water-works. By the same Act also, Local Boards of Health are authorised to purchase by agreement existing markets and water-works, and to carry them on for the benefit of the community. This latter power is seldom of much value, as it can only be exercised with the consent and concurrence of some existing joint-stock company or other owner of the works in question, who, of course, are at liberty to use their own discretion as to whether or not they may choose to sell their works at all. Many Improvement Acts relating to particular towns also contain power for the local authorities to erect gas and water-works. Even where power has been acquired by a local authority, however, to erect works of its own, another difficulty arises wherever it is necessary to borrow the money, as it commonly is. Here the local government office has to be called on for the necessary sanction; and this generally involves the necessity of a Bill in Parliament, which now assumes the form of a Supplemental Act for the amendment of the Local Government Act, and is not infrequently refused by Parliament, on the ground that local authorities should not be encouraged to borrow money on the security of the rates, and risk it in competing with an existing joint-stock company.\*

\* Proceedings with reference to gas supply of Stroud on Local Government Supplemental Bill, No. 3, in the last session of Parliament.

TABLE I.

INQUESTS in Parishes of Central Middlesex.

PARISHES.	Natural Causes.	Accidental Causes.	Suicide.	Homicide, Infanticide, Manslaughter.	Unknown Causes.	Total.
St. Pancras .....	184	151	17	21	2	375
Marylebone .....	129	76	11	20	3	239
Islington .....	86	55	15	10	5	171
Clerkenwell .....	90	19	9	5	...	123
Paddington .....	39	54	13	10	2	118
St. Giles's .....	62	29	2	...	5	98
St. Andrew's .....	26	11	2	2	...	41
St. Sepulchre's .....	5	...	...	...	...	5
Saffron Hill .....	2	2	...	...	...	4
Liberty of Rolls .....	2	1	...	...	...	3
Furnival's Inn .....	...	...	1	...	...	1
Gray's Inn .....	1	...	...	...	...	1
St. George's, Bloomsbury.	4	1	1	...	...	6
St. George the Martyr ...	5	4	...	...	...	9
Hampstead .....	7	10	4	1	...	22
Hendon .....	1	1	1	...	...	3
Finchley .....	1	4	...	...	...	5
Hornsey .....	7	4	1	1	...	13
Frien Barnet .....	1	2	...	...	1	4
Charter House .....						
South Mims .....	3	1	...	...	1	5
Total .....	655	425	77	70	19	1246

TABLE II.

INQUESTS in Central Middlesex, and their Causes, from 1862-3, 1863-4, 1864-5.

YEAR.	Natural Causes.	Accidental Causes.	Suicide.	Homicide and Manslaughter.	Unknown.	Total.
1862-3 ...	567	346	70	68	29	1080
1863-4 ...	687	416	72	72	24	1271
1864-5 ...	655	425	77	70	19	1246

An increase or decrease becomes a subject of interesting inquiry, in order that we may ascertain to what causes it may be due. An increase may be naturally expected from an increase of population, and a decrease encourages the hope that one of the great objects of the Coroner's Court, the prevention of criminal and culpable death, has been effected. We may, in fact,



reason in this instance in the same way as we do with our Criminal Courts. If crime is abundant, they are necessary; but if crime diminishes, to their action may be attributed, in part at least, the diminution.

If we now turn to our tables for the purpose of ascertaining where the decrease of inquests has taken place, and what is the nature of the decrease, we shall find that it has taken place principally in the three largest parishes in the district—viz. in St. Pancras, St. Marylebone, and Islington. If we look at the result on the whole of the inquests, the decrease has taken place with regard to natural deaths; but if we look at St. Pancras, we find that the whole diminution may be put down under the head of suicides, for the decrease in the whole parish of St. Pancras is nine, whilst the difference between the suicides of this year and last is ten. The greatest decrease is in Islington, where the inquests in 1863-4 were 195, whilst in 1864-5 they are 171, making 24 less. Here the decrease is by deaths from natural causes and infanticide. The decrease of deaths in St. Marylebone is seven, and occurs entirely in deaths from natural causes.

This decrease has taken place, it should be recollected, where, supposing the causes of deaths in which coroner's inquests are held were constant, there ought to have been an increase. Had the increase of inquests in 1863-4 over 1862-3 been due to increase of population, and the same increase had taken place in 1864-5, there should have been an increase of at least 30 cases, instead of a decrease. It is evident, therefore, that the large increase in 1863-4 over 1862-3 was due to other causes than increase of population; and although this cause must steadily increase the number of inquests, it is obvious their occurrence is influenced by various other causes.

Another striking point in this return is the comparatively small increase of accidents. In my Second Annual Report it appeared that in the first year 346 inquests were held on accidental deaths, whilst in the second year there were 416 inquests, being an increase of 70. The increase in the third year is only nine.

The number of inquests held annually in the large districts in proportion to the populations are as follows :

In St. Pancras . . . .	1 in 550 of population.
„ St. Marylebone . . .	1 „ 666 „
„ Islington . . . .	1 „ 721 „
„ Clerkenwell . . . .	1 „ 655 „
„ Paddington . . . .	1 „ 652 „
„ St. Giles-in-the-Fields	1 „ 409 „

## II.—MONTHLY RETURN OF INQUESTS.

TABLE III.

MONTHLY RETURN of Deaths from Various Causes.

MONTH.	Natural Causes.		Accidental Causes.		Suicide.		Homicide, Infanticide, and Man-slaughter.		Un-known Causes.		Total.		
	1863-64.		1863-64.		1863-64.		1863-64.		1863-64.		1864.	1863.	1862.
August .....	47	53	26	38	5	11	3	6	3	1	109	84	73
September.....	40	48	34	34	3	3	1	7	3	1	93	81	75
October .....	40	37	32	32	6	8	3	5	3	2	84	84	84
November .....	62	65	29	29	5	4	9	7	2	...	105	107	103
December .....	56	64	30	45	8	7	5	5	4	2	123	103	115
	1864-65.		1864-65.		1864-65.		1864-65.		1864-65.		1865.	1864.	1863.
January.....	81	80	32	43	4	8	2	8	...	1	140	119	80
February .....	60	62	32	43	7	4	9	4	2	3	116	110	93
March.....	73	69	42	43	4	8	6	5	3	3	128	125	92
April .....	67	44	56	29	12	6	5	5	1	1	85	135	95
May.....	53	39	35	23	5	4	13	7	...	1	74	106	91
June .....	54	38	34	29	7	5	11	7	4	1	80	110	88
July.....	54	56	40	37	6	9	5	4	2	3	109	107	91
Total ....	687	655	416	425	72	77	72	70	27	19	1246	1271	1080

In looking over this table, it will be seen that during the latter months of 1864 there was an increase which, if it had continued on to the end of the year, would have given an increase of above 100 inquests on the year as compared with the previous year; but, instead of this, we find that in the months of April, May, June, and July a decrease of 47 inquests. As has already been stated, the whole deficiency of inquests has fallen upon deaths from natural causes, and the decrease is probably to be sought in the remarkably fine and open weather which prevailed during these four months. It is, however, remarkable that when we come to examine the class of natural deaths in which the de-

crease has taken place, we find it to belong to the class of nervous diseases and to the group of effusions on the brain. In the years 1863-4 the number of cases from deaths from serous and sanguineous apoplexy was 180, whilst the deaths in 1864-5 were 137, thus making a difference of 43 deaths in the former year over the latter. If the mild and fine weather of the spring and summer quarters of 1865 had had anything to do with sudden death, at first sight we should expect to find it in the class of diseases of the respiratory organs.

An examination of Table IV. will give the ages at which this increase of deaths by effusion on the brain took place. There were 12 more cases in ages below 20 years of age, and 35 on ages above 20 and upwards, so that the increase of sudden death in 1863-4 over 1864-5 was in the form of apoplexy of adult persons.

I must leave to further and larger experience the question whether the decrease of the inquests on this form of death has arisen from atmospheric, social, or other causes.

In order to develop further the question of the influence of season on the great groups into which the inquests have been divided, I have thrown the result of the three years' inquests, according to the quarters of the year, into the following table :

	1st Quarter. Winter.	2nd Quarter. Spring.	3rd Quarter. Summer.	4th Quarter. Autumn.
Natural Deaths.....	554	319	374	439
Accidental Deaths.....	338	282	281	288
Suicides.....	62	47	55	45
Homicides .....	64	69	36	41

This table shows, 1. That inquests on natural deaths are more frequent in the cold autumn and winter quarters. 2. That accidental deaths, which include the suffocation of children in bed, are most frequent in the winter quarter. 3. That suicides are most common in the first three months of the year. 4. That



homicide, which includes in this table infanticide, is nearly twice as frequent in the winter and spring quarters as it is in the summer and autumn.

At the same time, as showing how fallacious conclusions drawn from insufficient data may prove, I would draw attention to the fact, as shown in Table II., that the suicides in 1864-5 were highest in the summer quarter, and that the homicides in the same year were nearly equally divided through the four quarters.

### III.—INQUESTS IN PUBLIC INSTITUTIONS.

The following table gives the number of inquests held in the hospitals, prisons, and lunatic asylum of the district of Central Middlesex :

TABLE IV.

Name of Hospital, Prison, or Asylum.	Parish in which situated.	Inquests from August, 1862, to July, 1863.	Inquests from August, 1863, to July, 1864.	Inquests from August, 1864, to July, 1865.
St. Mary's Hospital .....	Paddington .....	57	51	50
Middlesex Hospital .....	St. Marylebone ..	44	47	46
University College Hospital .....	St. Pancras .....	52	53	53
Royal Free Hospital .....	St. Pancras .....	28	50	47
Great Northern Hospital.	Islington .....	...	5	5
Houses of Correction and Detention .....	Clerkenwell .....	16	36	47
Pentonville Prison .....	Islington .....	3	7	3
Colney Hatch County Lunatic Asylum .....	Finchley .....	3	6	2
Total .....		203	255	253

In reading this table, it should be borne in mind that the inquests held in the hospitals and lunatic asylum are chiefly on accidental and suicidal deaths, whilst the inquests held in the prisons are on all persons being prisoners who die within the walls of the prison. The inquiries into death in the prison is also extended to those prisoners whose period of imprisonment expires during an attack of illness, and who are unable to leave the prison, and die within its walls. The return from the Pentonville Prison is remarkably low, and includes the suicide of Charles Victor Townley. In this case the jury returned a

verdict of temporary insanity, or, as it was expressed in the verdict, "That the deceased destroyed himself whilst in an unsound state of mind." The truthfulness of this verdict has been called in question, especially by those at whose instance Townley was removed from a convict lunatic asylum to the government prison at Pentonville. The verdict of unsoundness of mind delivered by coroners' juries might frequently be called in question with more propriety than in the case of Townley. It should, however, be remembered, that this verdict is often delivered by juries, like the verdicts in criminal courts, when they are in a state of doubt as to the real state of mind of the deceased, giving him the benefit of the doubt, the benefit thus conferred arising out of an evasion of the law with regard to *felo de se*. It has been suggested that this difficulty might be got over with coroners' juries by delivering an open verdict as to the state of the mind of the deceased, but as every person not proved of unsound mind is regarded as of sound mind, the delivery of an open verdict is legally equivalent to a verdict of *felo de se*, and a demand might be made that its consequences should be carried out. A coroner's jury is also undoubtedly influenced by the fact that in delivering a verdict of unsoundness of mind, they are not sparing a criminal a punishment that can influence his future conduct, as may be the case with a jury in a criminal court. There is also a deep sympathy with the surviving friends of the suicide, and the suggestion of saving them from the consequences of the law of *felo de se*, however wrong in the eyes of judicial critics, will nevertheless influence the judgments of feeling men. It is a subject worthy the attention of our Legislature whether some further alteration with regard to the law relating to *felo de se* is not expedient at the present day.

The cases of suicide in proportion to the deaths in the prison and the population of the prison are much greater in the government prison at Pentonville than in the county prison at the House of Correction, Clerkenwell.

The following is a list of the deaths, and their causes, in the Clerkenwell Prison :

*Deaths in the House of Correction from August, 1864, to  
July 31, 1865.*

Initials.	Age.	Died.	Cause of Death.
1864.			
1. H. H.	29	Aug. 31	Pulmonary Disease.
2. J. D.	38	Sept. 4	" "
3. C. R.	57	" 9	Apoplexy.
4. G. B.	36	" 13	Pulmonary Disease.
5. J. W.	32	" 13	" "
6. H. L.	40	Oct. 13	" "
7. J. R.	28	" 29	Pneumonia.
8. B. McC.	26	Nov. 1	"
9. F. M.	50	" 9	Hæmorrhage from Bladder.
10. H. T.	17	" 10	Pulmonary Disease.
11. B. H.	63	" 20	Asthma and Bronchitis.
12. W. A.	39	" 29	Erysipelas.
13. T. H.	57	Dec. 6	Pneumonia and Bronchitis.
14. N. F. E.	58	" 25	" and Fever.
15. J. W. H.	18	" 31	Typhus Fever.
1865.			
16. L. R.	45	Jan. 4	Bronchitis and Pneumonia.
17. J. D.	45	" 20	Inflammation of Brain and Pneumonia.
18. J. D.	29	" 30	" "
19. H. D.	25	Feb. 8	Typhus Fever and Pneumonia.
20. J. W.	17	" 8	" "
21. F. D.	39	" 14	Bronchitis and Inflammation of Wind-pipe.
22. G. L.	25	" 21	General Paralysis.
23. T. McC.	18	" 22	Bronchitis and Fever.
24. M. D.	63	" 23	Jaundice and Dropsy.
25. G. T.	55	March 1	Bronchitis and Pneumonia.
26. C. T.	18	" 21	Typhus Fever.
27. E. C.	21	April 4	Bronchitis and Pneumonia.
28. T. O'B.	65	" 4	" and Dropsy.
29. J. P.	21	" 15	Pulmonary Disease.
30. J. R.	20	" 16	"
31. W. J.	18	" 28	Pneumonia.
32. J. P.	33	May 24	" and Bronchitis.
33. J. L.	22	June 22	" and Peritonitis.
34. H. H.	50	" 24	Pulmonary Disease.
35. W. C.	26	" 26	Fever and Effusion into Brain.
36. J. T.	70	" 29	Disease of Prostate Gland and Fever.
37. P. D.	23	July 2	Pulmonary Disease.
38. W. P.	55	" 3	"
39. W. H.	33	" 3	Congestion of Lungs and Effusion into Chest.
40. W. B.	21	" 5	Bronchitis and Pneumonia.
41. J. G.	49	" 19	Diarrhœa and General Debility.
42. J. L.	29	" 20	Epilepsy and Effusion into Head.
43. W. D.	83	" 23	Asthma and General Debility.



The deaths, it will be seen, in the House of Correction have risen from 16 in the year 1862-3 to 43 in the year 1864-5. In every case a different jury has been summoned to inquire into the cause of the death of the prisoner, and they have expressed themselves as satisfied with the treatment of the prisoners. In looking at the causes of the deaths, there appears a disproportionate amount of diseases of the respiratory organs. This disproportion is greatly increased in the last year. Of the 35 cases in 1863-4, there were but 11 cases of pulmonary disease, whilst of the 43 cases in 1864-5 there were 23 cases of pulmonary disease. Their proportion to the rest of the cases had, therefore, increased from one-third to above one-half, and they were twice as numerous in the one year as in the other.

The total number of prisoners admitted into Cold Bath Fields prison, in 1864-5, was 10,037, and the daily average in the prison was 1833. The death has therefore been in the proportion of 1 in 42.6, or 26 in the thousand, which must be regarded as a high mortality.

## IV.—DEATHS FROM NATURAL CAUSES.

TABLE V.

*Deaths arising from Natural Causes.*

	Males.	Females.	New born	Under 1.	1 to 5.	5 to 20.	20 to 40.	40 to 60.	60 and upwards.	Total.
<i>General Diseases :</i>										
Typhus .....	2	1	...	1	...	2	...	...	...	3
Abscess .....	1	...	...	...	...	...	1	...	...	1
Erysipelas .....	3	...	...	1	1	...	1	...	...	3
Small-pox .....	...	1	...	1	...	...	...	...	...	1
Scarlet Fever .....	...	2	...	...	1	1	...	...	...	2
Syphilitic Poison .....	1	...	...	1	...	...	...	...	...	1
Scrofula .....	...	1	...	...	...	1	...	...	...	1
Hæmorrhage .....	2	...	...	...	...	1	1	...	...	2
Exhaustion from Weakness and Want of Attendance, Exposure, and Drunkenness .....	10	7	...	12	1	1	2	...	1	17
	19	12	...	16	3	6	5	...	1	31
<i>Diseases of Heart and Lungs :</i>										
Inflammation of Lungs and Air-passages...	43	23	...	12	11	5	11	17	10	66
Congestion of Lungs, Pulmonary Apoplexy, and Hæmorrhage .....	21	6	...	1	2	...	7	12	5	27
Consumption and Tubercular Disease of Lungs .....	21	12	...	5	...	5	15	6	2	33
Spasm of Glottis .....	11	8	...	17	2	...	...	...	...	19
Disease of Larynx .....	2	1	...	...	...	...	2	...	1	3
Whooping Cough, Asthma .....	2	3	...	1	1	1	...	...	2	5
Effusion in the Pleura .....	2	3	...	...	1	2	1	1	...	5
Pericardium .....	17	23	...	8	5	3	6	8	10	40
Malformation of the Heart .....	3	2	...	4	...	...	...	1	...	5
Aneurism and Rupture of Aorta, &c. ....	14	7	...	...	...	...	9	6	6	21
"                    " Heart .....	5	3	...	...	...	...	2	4	2	8
Hypertrophy and Dilatation of Heart, Valvular Ossification and Disease of Heart-valves .....	20	11	...	...	...	...	13	5	13	31
Syncope from Heart Disease .....	5	4	...	...	...	1	1	3	4	9
Fatty Degeneration of Heart .....	49	35	...	...	...	...	5	29	50	84
Clots of Blood in the Heart .....	8	7	...	1	2	1	...	6	5	15
Other Diseases of the Heart and Lungs .....	1	6	...	2	...	1	1	...	3	7
	224	154	...	51	24	19	73	97	114	378
<i>Diseases of Brain and Nervous System :</i>										
Convulsions, &c. ....	10	6	...	10	6	...	...	...	...	16
Inflammation and Congestion .....	8	8	...	4	1	5	4	2	...	11
Epilepsy and Paralysis .....	8	3	...	...	...	1	6	3	1	11
Effusion of Serum on Brain .....	38	25	...	14	7	1	2	13	19	68
Blood on Brain .....	38	36	...	5	1	3	16	30	19	74
Delirium Tremens and Drunkenness* .....	...	...	...	...	...	...	...	...	...	...
	103	77	...	33	15	6	35	50	41	180
<i>Diseases of the Abdominal Viscera, &amp;c. :</i>										
Rupture and Perforation of Stomach and Intestines .....	...	3	...	...	...	...	1	1	1	3
Inflammation of Bowels .....	3	3	...	2	2	1	1	...	...	6
Exhaustion from Diarrhoea, &c. ....	6	4	...	5	2	...	1	2	...	10
Mesenteric Diseases .....	2	5	...	5	...	1	1	...	...	8
Disease of Kidneys and Loins .....	6	2	...	...	...	...	2	4	2	8
Hæmorrhage and Disease of Womb .....	...	6	...	...	...	...	6	...	...	6
Other Diseases in the Abdomen .....	2	4	...	...	...	...	...	3	3	8
	19	27	...	12	4	2	12	10	6	44
<i>Still-born and Premature Births .....</i>										
	8	12	20	...	...	...	...	...	...	29
Total .....	373	282	20	112	46	33	125	137	162	657

\* Cases of Drunkenness and Delirium Tremens are returned under the head of Effusion Serum and Congestion of Brain.

I have before stated that the diminution of inquests in the last year has principally fallen on the class of natural deaths. By the following comparative table it will be seen how these have fluctuated from year to year :

	1862-3.	1863-4.	1864-5.
General diseases . . . .	21	28	31
Diseases of heart and lungs	288	366	378
Diseases of brain and nerves	194	234	180
Diseases of abdomen . . .	56	41	46
Still-born children . . .	16	18	20
	575	687	655

The relative frequency of different forms of disease is an interesting subject of inquiry ; but I must leave this for subsequent Reports, and would confine myself to one or two general subjects in connexion with inquiries into the causes of natural deaths.

In my first Report, I drew attention to the importance of the inquiries of the Coroner's Court in that class of cases which are regarded as preventable diseases, from the fact that they are propagated by poisons which are more or less under the control of human agency. Although it has not been usual in these cases to hold inquiries when a medical certificate of death has been given, there is no doubt that not only has the coroner the power, but that it is his duty, to hold inquests in those cases where he suspects that a death has been occasioned by a preventable cause. In many cases of zymotic disease the cause is so obviously dependent on some neglect or deficiency for which some persons are liable, that it is only necessary to call public attention to the existence of these causes at once to put an end to the spread of disease. It is much to be regretted that any difference of opinion should be entertained on this subject, and that the coroner is so seldom informed of the occurrence of cases of this kind when medical certificates have been given. The cases are very numerous in which such inquiries have been held



with the best possible results, and it cannot be too widely known amongst medical officers of health that one of the most powerful aids provided by the law of the country for arresting the spread of preventable disease is the Coroner's Court.

### V.—ACCIDENTAL DEATHS.

The following table gives the number of inquests in cases of accidental death in the year 1864-5, and I have also added columns giving the deaths from the same causes in the two previous years.

TABLE VI.

*Deaths from Accidental Causes in 1864-5.*

CAUSES.	Males.	Females.	New-born.	Under 1.	1 to 5.	5 to 20.	20 to 40.	40 to 60.	60 and upwards.	Total.	Total 1863-4.	Total 1862-3.
Burns from catching fire.....	14	31	...	2	22	8	8	...	8	45	51	48
Scalds from hot water, coffee, &c....	11	10	...	2	15	1	2	1	...	21	25	23
Accidental suffocation at birth.....	1	2	3	...	...	...	...	...	...	3	5	3
"                    "                    with mother	62	52	...	113	1	...	...	...	...	114	92	90
Accidental suffocation by drowning	16	1	...	...	...	10	4	3	...	17	26	21
"                    "                    by obstruction to air-passages, from food, &c.	7	8	...	...	1	2	3	3	1	10	14	20
Accidental suffocation from various causes .....	8	2	...	2	...	2	2	3	1	10	15	
Accidental poisoning by chloroform, laudanum, &c.....	4	2	...	1	2	...	...	2	1	6	4	9
Accidental injuries from railways, machinery, &c.....	22	2	...	...	2	3	13	6	...	24	13	24
Accidental injuries from falls from stairs, ladders, &c.....	62	26	2	1	7	10	17	34	17	88	66	60
Accidental injuries from omnibuses, vans, &c.....	43	14	...	1	5	5	16	20	10	57	51	39
Accidental injuries from kicks from horses .....	10	...	...	...	...	3	3	3	1	10	13	
Accidental injuries from blows, glass, cuts, shot, &c.....	19	1	...	1	...	2	9	8	...	20	41	9
Total.....	279	146	5	123	55	46	77	83	36	425	416	346

There is a slight increase only on the whole of the accidents, the number being 9 in the last year as compared with 70 in the preceding year. The smallness of the last year's increase as compared with the previous increase is remarkable, as, on looking over the groups of accidents, no certain reason can be assigned for the decrease.

## 1.—ACCIDENTAL DEATHS FROM BURNING.

The first group of cases are those which occur from burning; and here we find that there has been a slight diminution, and that the deaths of the last year have been six less than in the previous year, and three less than in the first year. About the same general diminution has taken place with regard to deaths from scalds. The following table shows the ages and sex of those burned to death in each year:

*Accidents from Burns and Scalds in relation to the Sexes.*

	Under 1.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	5 to 10.	10 to 15.	15 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 and upwards.	Total.
1862-3.																
Males.....	1	..	5	..	2	3	..	1	..	..	1	..	..	..	..	13
Females.....	1	1	4	2	1	5	3	2	2	2	5	2	1	1	3	35
	2	1	9	2	3	8	3	3	2	2	6	2	1	1	3	48
1863-4.																
Males.....	1	2	5	4	3	2	3	1	1	..	..	1	1	1	..	24
Females.....	1	1	2	7	2	3	2	1	1	2	3	..	..	..	1	27
	2	3	7	11	5	5	5	2	2	2	3	1	1	1	1	51
1864-5.																
Males.....	..	1	3	4	2	2	..	..	..	1	..	..	..	1	..	14
Females.....	1	5	2	..	2	5	3	2	4	3	..	..	1	2	1	31
	1	6	5	4	4	7	3	2	4	4	..	..	1	3	1	45

Before analysing this table, a hope might have been entertained that the diminution in burning had occurred amongst adult females; but, however such a hope might have been realised by the tables of 1863-4, it is a matter of regret to find adult female burning assuming the same relative magnitude in 1864-5 as in 1862-3; the diminution has, in fact, occurred in the burning of boys.

Of the 144 deaths in three years, 51 have occurred to males and 93 to females. Whilst only 6 males above twenty years of age have suffered, there have been 35 females above that age who have been burned to death. The principal causes of this lamentable amount of death amongst females and children under five years of age are,

1. The neglect of using fire-guards;

2. The inflammable nature of linen and cotton clothing ;
3. The prevailing fashion amongst women of wearing cotton dresses distended by crinoline.

## 2.—ACCIDENTAL DEATHS FROM SUFFOCATION.

The next group of deaths demanding attention is that from suffocation in bed. In this case the subjects are always children under one year old. Of all the causes of death of infants under one year old this is the most frequent, as will be seen from the following list of verdicts in inquests held on infants under one year of age :

Suffocation in bed . . . . .	113
Other accidents . . . . .	10
Deaths from natural causes . . . . .	112
Still-born . . . . .	20
Infanticide . . . . .	61
Deaths from unknown causes . . . . .	14
Total . . . . .	330

It will also be seen that the cases of suffocation have increased from 90 and 92 in the previous years to 114 in the present year. The causes of this large amount of destruction of infant life arise from, 1, ignorance; 2, carelessness; 3, overcrowding; 4, overwork; and, 5, drunkenness.

1. A large number of the mothers who appear in court do not seem to know the nature of the relation of fresh air to the life of their infants, and are entirely guided in taking care of their infants by their cries. If children lie still, they let them alone. Strong and healthy children do not permit themselves to be suffocated easily; but weak and diseased children allow themselves to be covered over and suffocated without resistance. Hence, in the majority of cases, the suffocated children are shown to have been weak or otherwise diseased. A better knowledge of the value of fresh air to the life of the infant on the part of mothers would save the lives of many children.

2. Some mothers are *careless*, as is shown in wrapping them up in shawls, in falling asleep with their infants sucking on their



breasts, and in placing them at their backs, when they cannot see whether they are covered up or not.

3. The bed is often *overcrowded*, and it is not an uncommon thing to find a father and mother and two children in the same bed. In this way the infant is suffocated by being laid over by the elder child, or by the father or mother.

4. A large number of cases of suffocation occur on Sunday morning. This points to two circumstances which may have led to the death of the child. Either the mother works harder on the Saturday night and goes to bed so exhausted that she cannot pay proper attention to the child, or one or both parents go to bed intoxicated, and the child is neglected in consequence.

### 3.—ACCIDENTAL DEATHS FROM MECHANICAL INJURIES.

Amongst this class of accidents, those from vehicles in the streets are by far the most frequent. The deaths from railway accidents have increased this year from 13 in the previous year to 24. The greater proportion of these deaths have occurred amongst men employed on the railways. In a majority of instances these accidents are the result of carelessness or recklessness amongst the men themselves. The accidents in the streets have increased from 39, including kicks from horses, in 1862-3, to 57, exclusive of kicks from horses, in 1864-5. The public attention has been drawn to the frequent occurrence of these cases by the Registrar-General. Above 200 fatal cases occurred in the streets of London alone in the year 1865. The deaths from street accidents present only a small proportion of the sufferings of the community from this cause. I have received from Mr. J. D. Hill, the active and intelligent resident medical officer of the Royal Free Hospital, the following summary of cases occurring in that hospital in the year 1865 :

Cases treated as out-patients . . . . .	1131
"      "      in-patients . . . . .	327
Deaths . . . . .	31
	<hr/>
	1489

thus showing that where one person dies from these accidents, there are 48 persons injured. For the whole of London this gives an appalling amount of suffering, which it certainly behoves both the local and imperial Government to make some effort to remove. The following are suggestions of the direction which efforts to diminish these accidents might take :

1. Regulations with regard to the rate at which vehicles should pass over recognised crossings for foot-passengers, and turning round the corners of streets.

2. More active police interference with vehicles driving at a rapid rate through any of the streets of London.

3. The erection of bridges or subways in the more frequented streets, that foot-passengers might pass without the liability to injury from vehicles.

4. The encouragement to the utmost extent of railway traffic underground, by which the streets would be relieved of their present crowded state.

5. The widening of small streets and the construction of new lateral streets leading from one great thoroughfare to another so as to relieve the traffic of the great thoroughfares.

6. The abolition of obstructions in greatly frequented thoroughfares, such as Temple-bar in Fleet-street, Middle-row in Holborn, and many others.

7. The infliction of fines, or suspension of license in case of public drivers, in every case where persons are run over and either injured or killed.

It should be remembered that the money-value of the injury to life and limb in London annually cannot be much less than a quarter of a million.

## VI.—DEATHS FROM SUICIDE.

TABLE VII.

*Verdicts of Suicide in 1864-5.*

	Males.	Females.	5 to 20.	20 to 40.	40 to 60.	60 and upwards.	Total.	1863-64.	1862-63.
Suicide, from—									
Poisoning by Opium.....	4	...	...	1	1	2	4	1	4
" Oxalic Acid .....	...	2	...	...	2	...	2	2	5
" Nitric Acid .....	...	1	...	1	...	...	1	...	...
" Corrosive Sublimate .....	...	...	...	...	...	...	...	1	...
" Oil of Bitter Almonds.....	1	...	...	1	...	...	1	2	2
" Acetate of Lead ...	1	...	...	...	1	...	1	...	...
" Cyanide of Potassium .....	4	...	...	6	...	...	6	3	3
" Strychnine .....	1	...	...	1	...	...	1	...	1
" Sulphuric Acid ...	...	2	...	2	...	...	2	...	2
" Prussic Acid .....	2	...	...	2	...	...	2	...	2
" Pure Potash .....	...	...	...	...	...	...	...	...	1
" Prussiate of Potash .....	1	...	...	1	...	...	1	...	...
" Other Poisons.....	2	...	...	2	2	...	4	...	...
Suicide by hanging .....	15	1	...	4	10	2	16	30	16
" drowning .....	8	4	...	6	4	2	12	9	13
" cutting throat .....	15	1	1	8	5	2	16	12	13
" shooting.....	5	1	...	2	1	1	4	5	5
" casting from high places and placing head under wheels .....	2	2	1	2	1	...	4	7	4
Total .....	61	16	2	39	27	9	77	72	70

The increase in the number of suicides is not greater than might be accounted for by increase of population.

	Males.	Females.	Total.
Suicides in 1862-3 . . . . .	47	23	70
" 1863-4 . . . . .	51	21	72
" 1864-5 . . . . .	61	16	77

In regard to the sexes, however, there is a large increase amongst males. Whilst the proportion of males to females was as 2 to 1 in 1862-3, it was nearly as 4 to 1 in 1864-5.

The means chosen also differ in the various years; thus there were—



	Males.	Females.	Total.
Poisoning cases in 1862-3 . . . .	11	8	19
„ 1863-4 . . . .	5	4	9
„ 1864-5 . . . .	16	7	23

Thus it is seen that the number of persons preferring poison in the latter year is double what it was in the year before. The deficiency in poisoning in 1862-3 was made up by hanging. In all other modes of suicide there is a great correspondence between one year and another.

In the poisoning cases it is to be observed, that the poisoning takes place with the most easily obtained poisons, which are opium, cyanide of potassium, and oxalic acid. It is noteworthy, that in the three years not one case of poisoning by arsenic has occurred.

## VII.—MURDER AND MANSLAUGHTER.

TABLE VIII.

*Deaths arising from Homicide, Infanticide, and Manslaughter.*

	Males.	Females.	New Born	Under 1.	1 to 5.	5 to 20.	20 to 40.	40 to 60.	60 and Upward	Total.	1863-4.	1862-3.
Wilful Murder by certain persons ...	...	1	...	...	...	...	...	1	...	1	3	3
Wilful Murder by neglect of birth, hæmorrhage, persons unknown .....	14	14	28	...	...	...	...	...	...	28	27	43
Wilful Murder by suffocation and strangulation .....	11	10	21	...	...	...	...	...	...	21	26	8
Wilful Murder by blows and injuries of skull .....	4	8	12	...	...	...	...	...	...	12	7	6
Wilful Murder by poisoning .....	...	...	...	...	...	...	...	...	...	...	4	...
Manslaughter .....	3	5	...	1	...	...	4	2	1	8	5	8
Total, 1864-5 ...	32	38	61	1	...	...	4	3	1	70	72	68
Total, 1863-4 ...	33	39	56	1	1	5	7	1	1	72	...	...
Total, 1862-3 ...	27	31	53	5	...	...	7	2	1	68	...	...

Although the total number of cases has not increased, this table will be regarded more in relation to the destruction of infant than adult life. In as far as the latter is concerned there would appear to be an improvement; for whilst the sacrifice of adult life was 10 in 1862-3, it was 9 in 1863-4, and 8 in 1864-5, whilst the sacrifice of infant life has gone on increasing from 52 in 1862-3 to 56 in 1863-4, and to 61 in 1864-5. This table, however, gives only an analysis of verdicts, and does not alone indicate the probable amount of wilful destruction of infant life. In the table of deaths from "unknown causes," it will be found that there are 14 deaths of newly born children. In all cases these are children found dead in the streets or other exposed places. In 1863 I held 84 inquests on newly born children, in 1864 100 inquests, and in 1865 114 inquests. In a certain number of these inquests, the children were found dead with their mothers, and another proportion were still-born children. The question of how these new-born children came by their deaths is one of deep interest to society, and the theory that all or the majority of them have been destroyed by their mothers has been rejected. There is evidently also a great difference of opinion amongst coroners' juries, or, perhaps, coroners themselves, on this point. Thus, in the eastern division of Middlesex, as given in the "judicial statistics" published by the Government for 1864, I find that of 405 inquests held on children under one year of age there were but 13 verdicts of wilful murder, or about 1 in 31 inquests. In the western district of Middlesex there were 90 inquests on children under one year of age, and 20 verdicts of wilful murder, or more than 1 in 4. In my own district there were 348 inquests held on infants under one year, and 60 verdicts of wilful murder, or about 1 in 5. In the City of London the proportion is 1 in 30, and in the City and liberties of Westminster, 1 in 20. In the counties of England the disproportion is even greater still. Thus, in all Lancashire but 11 verdicts of wilful murder were returned in 547 inquests on children under one year of age, or about 1 in 49 cases. In

many of the towns of England the proportion of verdicts of wilful murder in proportion to the inquests held are as great as in the highest London proportions. It would, however, be very gratifying if it could be believed that the proportion of newly born children murdered in England and Wales is really only the number given in these statistics. The number of verdicts of wilful murder for the whole of England and Wales in 1864 was 203. Of these 99 were delivered in Middlesex. It would thus be found that there was one child-murder in the whole of England and Wales for 170,000 of the population, one in 20,000 of the population of Middlesex, and one in 12,000 of the population of the central and western districts of Middlesex. This great discrepancy clearly shows what I have stated, that there is great difference of opinion as to what facts in regard to the death of children would justify the verdict of wilful murder.

I think that it may be of interest here to point out the principal features of the 174 cases in which verdicts of wilful murder have been returned in the central district of Middlesex during the last three years.

1. In all cases the children have been found exposed in the streets, or found in ponds or canals, and under circumstances which leave no doubt that they have been cast away to conceal the fact of their death.

2. In a very large number of cases, these children are newly born; they are unwashed, and present no indications of the ordinary care having been taken of them, which is bestowed on children which are born dead, when women are surrounded with the assistance which they ought to have, and which they need in the season of child-bearing. They all of them give indications of having been born alive.

3. With two or perhaps three exceptions, there has been no attempt made to tie the cord of the child, which is an operation which is always performed where women are assisted by others, and which is regarded as necessary an operation for the protection of the mother as of the child. This fact alone clearly



indicates that the child has not been still-born, and cast away on that account, or that its birth has been regular, and thrown into the street to save exposure or expense. The significance of this fact is, that the child has been borne by its mother without assistance, and that she has been ignorant of or neglected the ordinary precaution of the art of midwifery of tying the cord.

4. A certain proportion of the children have died from this neglect. Hæmorrhage from the untied cord takes place, and the child faints. This is shown by the empty state of the heart and the exsanguineous state of the organs of the body. In these cases it is sometimes urged that the woman might be taken with the pangs of labour before she was aware of it, and, being too feeble to call assistance, the child has died in consequence. It is, however, quite as easy to kill a person by neglect as by violence; and it is always presumable in these cases that the neglect was intentional, and that should the suspected persons be found out, they must prove their innocence when tried on the coroner's inquisition. It is in this class of cases that coroner's juries are always inclined to give the benefit of the doubt to the unknown mother, lest she should be found out, and tried and suffer capitally for the offence. It seems to me, however, that there are cases in which the suspicion of wilful murder is very great, and that women thus neglecting their offsprings should take their trial for the offence.

5. Another class of these cases present all the appearances of suffocation. There are no marks of injury on the body. The face is livid; the tongue protrudes; the brain, lungs, and right side of the heart are congested. These are children who have been suffocated by neglect. They are not removed from their mother, and are either suffocated in the discharges of their mother or for want of fresh air under the bed-clothes. The same excuses are made for not delivering a verdict of wilful murder in these cases as in the last.

6. In a large proportion of cases the dead body bears marks of violence. In one class of these cases the child has evidently

been suffocated by violence. The features of the face show marks of compression by violence, or finger-marks are plainly seen on each side of the nose or on the throat. Frequently ligatures are found tied tight round the throats of children, or foreign substances are stuffed into the mouth and down the throat. There can be little doubt that in these cases the child has been wilfully murdered. It not unfrequently happens that a child presents the appearance of having been washed. This appearance, in connexion with the signs of suffocation, clearly points to drowning as the means by which the child was killed. In another class of cases, the child presents marks of blows and severe injuries. The skull is fractured, the throat is cut; it has been stabbed or otherwise subjected to destructive violence. These cases, when fully investigated, cannot fail to produce the impression that the child has been brutally and cruelly murdered. At the same time, in both these group of cases coroners' juries are occasionally influenced by what they hear about cases where women are tried for the murder of their children, on whom marks of violence are found. The most preposterous theories are offered to account for ligatures around the throats of children, and for fractured skulls; and juries deliver verdicts against the conclusions of common sense and reason.

If we imagine that the bodies thus found dead with marks of neglect and violence upon them were grown-up persons, there is little doubt that in all cases verdicts of wilful murder would be returned. It is the fact that, practically, the law deals differently with murdered new-born children to what it does with adults that leads to the uncertainty of the verdict. It is well known that the law requires that a child who can be murdered must be proved to have been "fully born." According to this expression, the child must have entirely left the passages of its mother; and the difficulty of proving this is so great in these cases, that a woman, when tried for the murder of her newly-born babe, has seldom been convicted. The fact of this difficulty induces many coroners to direct an open verdict; and it is on this ground,

undoubtedly, that so few verdicts of wilful murder are returned. In fact, according to our present law, a woman may destroy the life of her child whilst being born, and, presenting herself before a magistrate with the child, can say, "I destroyed this child before it was fully born, and, having now stated the fact, I can neither be prosecuted for the murder of the child or the concealment of its birth." Another anomaly of our law is, that the production of the dead child is regarded as proof that the birth of the child has not been concealed. During the past year I had a case in point. A girl had been delivered of a child early in the morning, and on the postman arriving at the house she requested him to go for a policeman to take away the child, not acknowledging the child was her own. Before the coroner's court it was proved that she was the mother of the child. The jury mercifully (whether rightly or wrongly) declined delivering a verdict of wilful murder, but added to their verdict their opinion that she had concealed the birth of the child. On being taken before a magistrate to answer for the concealment of the birth of the child, she was immediately acquitted on the ground that, having produced the dead child, she was not liable to prosecution for the concealment of its birth.

From what I have stated, I think it will be evident that we cannot regard the verdicts of coroners' courts as the true indication of the amount of destruction of newly-born infant life in this country. When all the circumstances of the particular cases are regarded, I think it must leave on the mind of every impartial inquirer the conviction that the amount of child murder is greater than the highest rate of verdicts of wilful murder in any part of the country; and that so far from calculations based upon the verdicts in Central and Western Middlesex being exaggerations of the amount of the crime, that they really fall far short of affording an adequate idea of its extent.

I have before referred to the fact of there being no attempt at the registration of still-born children, which leaves open a wide door for the destruction with impunity of infant life;



and I have stated my conviction that the number of dead children found is not the whole of those which are destroyed. It is on these grounds that I have ventured to make an estimate of the destruction of infant life that has startled some, and led others to controvert my conclusions. In all sadness I press this inquiry on those who would save our country from the disgrace of the destruction of this large amount of infant life. If I am wrong in the high estimates I have made of the extent and frequency of this crime, even the low estimate of it which would be afforded by the coroners' verdicts of wilful murder throughout the country presents a sufficiently grave aspect to invite the attention at once of the statesman and philanthropist to investigate its causes and propose some remedy.

Amongst remedies, the question comes as to whether, in cases of the detection of the crime of infant murder, the certainty of punishment would not prevent the frequency of the crime. The two great legal difficulties in the way of punishment at present is, first, the requirement of proof that the dead child was fully born; and, second, the punishment of death for the commission of the crime when proved. Under these circumstances, I quite agree with the propriety of the recommendations of the Commission on Capital Punishment in the following extract:

“13. Our attention has been called to the frequent failures of justice in cases of infanticide. The crime of infanticide, as distinguished from murder in general, is not known to the English law. The moment a child is born alive it is as much under the protection of the law as an adult.” 12. We have considered whether the failure of justice, which undoubtedly often occurs in such cases, may not be obviated by some change in the law which shall add to the protection of new-born children. The principal obstacle which now prevents the due enforcement of the law is the extreme difficulty of giving positive proof that the child alleged to have been murdered was completely born alive. 15. We have given this important and difficult subject our serious attention, and we have arrived at the opinion that an Act should

be passed making it an offence, punishable with penal servitude, or imprisonment, at the discretion of the court, unlawfully and maliciously to inflict grievous bodily harm or serious injury upon a child during its birth, or within seven days afterwards, in case such child has subsequently died. No proof that the child was completely born alive should be required. With respect to the offence of concealment of birth, we think that no person should be liable to be convicted of such an offence upon an indictment for murder, but should be tried upon a separate indictment. The accused should not be entitled to be acquitted in either of the above cases if it should be proved on the trial that the offence amounted to murder or manslaughter."

The law of punishment is not, however, the most satisfactory way of preventing crime. In every well-regulated society systematic attempts should be made to remove the causes of crime. Nor should this be done in the interests of the murdered children alone, who undoubtedly have the same divine right to live as any other individuals in the country, but also in the moral and physical interest of the mother herself. No woman who has imbued her hands in the blood of her child with the object of saving herself from poverty or disgrace, can be so good a member of society as one who has not this terrible consciousness of crime burdening her conscience. Society would be safer from other crimes, if it could avert this. But, provided this good is of too problematical a character to induce exertion, there is the manifest danger to the life of the woman from secret delivery, which would be prevented. In several cases which have come before me, where women have been detected after the crime of infanticide, they have lost their lives as the result. Nor is this to be wondered at. In every civilised society the art of the midwife is recognised as a means of saving human life, and the humblest woman in the community seeks the aid of some skilled person to attend her in the "hour of nature's peril." In the cases of infanticide the woman is alone, and runs all the hazard to avoid that for which her more fortunate sisters pay so much. The consequence is that a large

amount of female life is thus annually sacrificed. It is not easy to obtain proof of this. As once a woman has got rid of the great proof of her state, the child, even a medical man may not know the malady from which his patient is suffering. There is no doubt that the pain and anxiety of discovery tends to the fatal end in cases where women have been detected, and it would be unfair to conclude from the number of these fatal cases how many die who have borne and destroyed children undiscovered. I calculate that amongst those discovered at least one in six have subsequently died.

I am not prepared here to discuss the remedies which have been proposed, short of the punishment of the women, to prevent infanticide. They may be divided into legal and social. Amongst the legal measures which deserve consideration and alteration are the Bastardy Laws. As the law now stands, the difficulties of making the father legally responsible for his offspring are so great that, practically, few women avail themselves of them for the purpose of procuring aid from the father of their offspring. So little do men regard the obligation of supporting their illegitimate offspring that I calculate, from inquiries made at institutions where bastard children are received and information obtained in inquiries regarding the deaths of illegitimate children in the Coroner's Court, that not more than one man in fifty contributes to the support of his bastard child. Such a change in the law as should compel men more generally to support their children would not only act by removing one great temptation to infanticide, but would save both the life of the woman and the child. Many women break down in health and strength, and some commit suicide, under the attempt to support themselves and their children. Under the same circumstances the child suffers and dies. In the majority of cases it is denied its natural nourishment, and, however carefully attended to, dies from the want of breast-milk and proper maternal care. I am not prepared to state exactly the proportion of illegitimate children born who die before they are five years of age; but the



number of illegitimate children on whom inquests are held is much greater than on legitimate children in proportion to the number born. Thus of the children under one year on whom inquests were held in 1865, 186 were legitimate and 153 were illegitimate. The proportion of legitimate to illegitimate children born in England and Wales, is not known, as there is no compulsory registration of births, and it is to be feared that a large number of illegitimate children are never registered at all. Supposing, however, we put the highest estimate of one illegitimate to seven legitimate children. The deaths of illegitimate children will be seen to be five times as great as the legitimate.

The social remedies which present themselves for this crime are various. In the first place stands the improvement of the morality of the sexes. When we examine into the details of the cases of infanticide in which the perpetrator of the crime has been discovered, in the great majority of cases it is found that it is the mother, who is usually employed in domestic service. In fact, when the circumstances of the crime are inquired into, it seems almost impossible that any other class of women can be implicated. In cases where girls are living at home or in lodgings, their condition is discovered long before the birth of the child, and the result is that where the existence of pregnancy is once known there is seldom any attempt at the destruction of the child. It is almost essential to the perpetration of this crime that no one should be aware of the fact of the pregnancy of the mother or the birth of the child. These conditions can only be generally secured when women are in domestic service. As long as they are able to keep the secret of their condition from others, so long may they hope, when the child is born, to prevent the fact from being known to those amongst whom they live. The crime is not often committed, or attempted, where women are sleeping with others; hence it often happens that the cases which are discovered are those in which women attempt to deceive those with whom they live. It is necessary, in order to the effectual screening of the child from observation, that op-

portunity should be afforded after its birth and destruction that the mother should be able to place it in some position where she is not suspected. This once being done, her subsequent illness or weakness may be easily explained to those around her on other grounds. It is seldom that a woman is discovered at once, she succeeds in placing the child at some distance from the house in which she dwells. In nine cases out of ten, where the mother is discovered it occurs in cases where the child has been found on the premises where the mother is delivered. I believe the children are always born and murdered within a few yards, or hundred yards at most, of the spot where they are found, the mother, who is always the bearer of the guilty burden, being too feeble to carry it far.

It is on these accounts that I believe by far the greater number of cases of child-murder occur amongst domestic servants, who, sleeping alone, have an opportunity of concealing their state and the birth of their child from the observation of others. If, then, any good is to be effected by operating on the minds of those directly concerned, it must be by addressing this class of young women and their seducers. The revelations of the Coroner's Court are not so positive with regard to the fathers of these children as their mothers; but, at any rate, the large number of child-murders and illegitimate children afford a sad indication of the want of morality in the sexes, and the necessity of teaching those implicated the sin and fearful consequences of illicit intercourse. I leave the question to those who are engaged in the moral education of the youth of this country as to how far they are faithful in impressing on their minds the terrible consequences of disobedience to the seventh commandment.

Another remedy which has been proposed is that of protecting the women who have been seduced, and who are willing to place themselves in institutions where they may be taken care of during their confinement, and their offspring afterwards brought up and cared for. A number of institutions having this object in view are now before the public, and, from the opportunities I

have had of observing their working, I believe that they are doing a certain amount of good by protecting from the temptation of destroying their offspring the women who would be thus exposed without their aid. The objection urged against these institutions is, that they encourage immorality by affording a refuge to those who have gone astray; but, if it can be proved that the greater crime of murder has been prevented by overlooking the lesser sin of incontinence, I think the supporters of these institutions are justified in their endeavours to lessen the crime of infanticide.

Another class of institutions are those which take care of the child independent of the mother. These, known by the name of Foundling Hospitals, exist in various parts of the Continent of Europe. It is stated, with a considerable amount of evidence to support the statement, that where these institutions exist the crime of child-murder is comparatively unknown. At the same time, the fearful amount of mortality amongst the children renders it almost a question as to whether the saving of infant life by their existence is of any account at all. The same answer, however, may be given to this question as to the last, that it is probably better for society that the child should be lost in the attempt to secure its life than that a large number of women should be living with the consciousness of having sacrificed their offspring.

Amongst social remedies there is no doubt that the kindly and sisterly superintendence of young women living in domestic service by their mistresses would often prevent the concealment of their pregnant condition and the temptation to destroy their offspring. This subject has been treated by female writers, and I forbear to go further into details; but it must be obvious to all that the extensive prevalence of such oversight in families would go far to prevent a crime which, it should never be forgotten, is most frequently perpetrated, not in the homes of the poor, but in the homes of the middle and upper classes of society in England.



I conclude this report with the following Table :

TABLE IX.  
*Deaths from Unknown Causes.*

	Males.	Females.	New-born.	Under 1.	1 to 5.	20 to 40.	40 to 60.	60 and upwards.	Age unknown.	Total.	Total 1863-4.	Total 1862-3.
Found Dead .....	1	2	...	...	1	...	2	...	...	3	10	4
In Water .....	1	1	...	...	...	1	1	...	...	2	2	9
In Decomposed State .....	...	3	3	...	...	...	...	...	...	3	4	2
From other Unknown Causes .....	6	5	11	...	...	...	...	...	...	11	8	14
Total.....	8	11	14	...	1	1	3	...	...	19	24	29

From this table it will be seen that a diminution of deaths from unknown causes has taken place from year to year. I think this may be attributed to the greater anxiety of juries and medical men to discover the cause of death, the verdict of "found dead" being alike a reproach upon the Coroner's Court, which is instituted to discover the true cause of death, and the medical witness, who is expected to discover by a *post-mortem* examination the nature of the causes which have led to the death of the individual on the view of whose body the jury is called to declare a verdict.

I must now draw this my Third Annual Report to a close, and leave to another opportunity the discussion of subjects which arise out of the duties imposed upon me as Coroner for so large a population as that of the Central District of Middlesex. I feel impelled to this work from a sense of its importance, and I have to thank the Executive Committee of the Social Science Association for the encouragement they have given me in publishing my report from year to year, and I have again to thank our Chairman for his support in sanctioning by his presence my efforts to render practically useful the results of my experience in the Coroner's Court.

*On the Report of the Capital Punishment Commission of 1866.\**

By MR. SERJEANT WOOLRYCH.

UPON the introduction of this subject to your notice, very little needs be said. In pursuance of an address by the House of Commons to her Majesty, a Commission was issued to twelve sufficient persons "to inquire into the provisional operation of the laws under which the punishment of death is now inflicted in the United Kingdom, and the manner in which it is inflicted, and to report whether it is desirable to make any alteration therein." The date of this Commission was the 8th of July, 1864. A second Commission, dated the 5th of January, 1865, extended the period for making the Report from six months after the date of the first Commission until the 8th of January, 1866, and on that day the report was issued. The sittings lasted about fifteen days. The number of witnesses whose names appear in the Report are thirty; of these, seven are or have been judges, and are in favour of the penalty of death. One witness has been Attorney-General, the other is Attorney-General for Ireland. Both these are hostile to the punishment. Fourteen of sixteen witnesses are also adverse. Several of the rest are so far from an absolute decision as to render it a matter of but little doubt that the majority of the testimony is in opposition to the majority of the Commissioners, which is, no doubt, although they do not positively declare it, in favour of retaining the pain of death. There was, on the whole, an excellent attendance of the Commissioners. Sir John Coleridge's name scarcely, if at all, appears, no doubt for sufficient reason; his signature, however, is affixed to the Report. It would be idle to suppose that these eminent persons have not bestowed upon the subject of their labours an honest industry, and it is difficult to come to the

\* Read at a meeting of the Jurisprudence Department of the National Association for the Promotion of Social Science, March 26, 1866.

discussion of this great matter without sentiments of the deepest religious feeling, and the most calm, dispassionate human considerations; but it has happened that what may be called the religious or scriptural part of the question has been left out from the labours of the Commission. This omission is certainly a relief from theological controversy.

Now, the essence of the Report seems to be simple and easily stated. No alteration is suggested in the law of treason. The Commissioners give no opinion upon the question of the abolition of capital punishment. That matter stands purely as it was before. However, instead of passing the capital sentence, there was an unanimous feeling that the judges should not, as at present, be compelled to that course, but that they should have power to record the judgment, or, as the Commissioners express themselves, that it should be "restored" to the judges. But they contemplate extensive alterations in the law of murder. Murder, for the first time during several centuries, is no longer to be capital in respect of certain crimes; but murder is to remain capitally punishable where there is express malice aforethought, and the jury must find such malice as a fact. The extreme penalty is to be retained for murder "committed in, or with a view to, the perpetration, or escape after the perpetration or attempt at perpetration," of "murder, arson, rape, burglary, robbery, and piracy." In all other cases of murder the punishment shall be penal servitude for life, or for a term not less than seven years.

It may be observed, in passing, that this plan gets rid of many cases of constructive murder, and likewise mitigates the punishment of many of those crimes which happen on the sudden, and yet amount to murder. In making this recommendation, the Commissioners have preferred the plan adopted by the United States, of dividing murders into two classes in preference to entering upon new definitions of homicide. Then the infanticides come in for their share of attention. Almost all of us have read the Report, and, therefore, it may be briefly said, that penal servitude or im-



prisonment, at the discretion of the court, is proposed where the mortal injury is inflicted during birth, or within seven days afterwards. The term of punishment is not mentioned.

The Commissioners are overwhelmed, according to their Report, with the evidence against public executions. It naturally follows that they recommend private and within the prison. They add that the public must be satisfied that the law has been complied with. These, I believe, are all the positive opinions and suggestions, with a view to business, of the Commission.

Incidentally, nevertheless, the appeal, on matters of fact, to a court of appeal in criminal cases, the revision of a capital sentence by the Home Secretary, and the state of the law as to insanity with regard to penal responsibility in criminal cases, are subjects upon which the Commissioners have deemed themselves justified in hearing evidence, although any movement on their part does not come within their jurisdiction. To use the words reported, "they require a more general and comprehensive treatment than the terms of the Commission under which we act will admit." All the members signed the Report. Four thought that capital punishment might safely and with advantage to the community be at once abolished; one gave a qualified adhesion to the declaration in favour of abolition, but declined to support it at the present time; five were not prepared to agree to private executions.

I trust I have now succinctly described the origin, the objects, and the views of this Commission; but, although confined to the consideration of the Report, yet, as that document fortunately lets in the whole subject, I consider that we can enter into a full discussion of this great question upon the same principle as the Commissioners, who being, in reality, assembled to give the affirmative or negative to capital punishment, concluded by pronouncing no opinion at all. As a body, they must have been seriously embarrassed by the declarative protests, if we may so call them, of the dissentients. Emancipated from the religious scruples, freed from an absolute resolution for want of unani-

mity, they were driven to an analysis of murder, to make a division of constructive murders, and to deal with the question of infanticide.

In making the remarks I am about to offer, it will be my wish rather to tender suggestions arising out of the evidence than to pronounce any opinion personally; rather to leave the field open to others for discussion, after some few necessary criticisms on the Report itself. Now, it certainly seems, from a careful reading of the volume, that the Commissioners were well up to their work, and that, during the progress of the examinations, they exhibited patience, ability, and integrity. I am doubtful whether those who have gone through the evidence will think that the knowledge of the witnesses equalled that of the Commissioners. Mixed up with the various testimonies which are published, we find no inconsiderable amount of doubt and hesitation, of questions which have surprised the persons asked, and many such as produced answers to the effect that the matter of them had never entered into the consideration of the witness. Thirty persons were examined. Of these, seven had been, or are at present, judges. There were two Secretaries of State, seven connected with gaols or the police, or employed in the convict service, two belonging to the Society for the Abolition of the Punishment of Death, the Attorney-General for Ireland, Sir Fitzroy Kelly, Mr. Ivory, the clerk of the arraigns, a sheriff of London, and eight other persons of eminence and consideration, who had paid particular attention to the subject.

I have said that fifteen witnesses favoured the extreme penalty; fourteen were of another opinion. Sir Lawrence Peel, although rather in favour of death, gave no opinion. It forces itself upon our notice that, as there must be very many individuals competent to adduce their experience upon this great matter, the narrow majority seems to leave the question, as far as the evidence is concerned, in its infancy. There is, however, one remarkable fact ascendant throughout all the evidence. Scarcely one, unless we may except the Ordinary of Newgate, expresses

a decided, irreversible opinion that death ought, of necessity, to be the supplicium.

### RECORDING JUDGMENT OF DEATH.

Before I call your attention to the more serious paragraphs of the Report, I would pause upon the incident of recording sentence of death. This power was attached to the judicial authority by statute, except in cases of murder. It is now proposed to restore this enabling power. The word "restore" is calculated to mislead, because, in cases of murder, it was never possessed. The majority of the opinions favours the change. But the Attorney-General for Ireland is decided upon the contrary course. And the Solicitor-General of Scotland showed that no such latitude exists in his country. In forming a judgment upon this suggestion, we should, I think, keep close to the sentiments of the Commissioners, as expressed with a view to futurity. And yet, admitting that no change will take place, let us calmly regard the position of the judges, armed with their freshly-given discretion under the present law. We have now no classification of murders. Infanticide is, of course, capital. Would you not have one judge in Devonshire, for instance, recording the sentence, and another, say, at Carlisle, passing the judgment for murders nearly allied in character? Then, as to infanticide, would it not be yielding a countenance to that crime if judgment were to be, as it inevitably would be, with scarcely an exception, recorded? But the Commissioners, no doubt, look forward to the adoption of their propositions. Let us see how the argument will stand then. To begin with infanticide. The penalty for that crime is to be much moderated. Murders are to be classed, in the next place. Whether committed on the sudden or constructive, they are to yield to the ingredient of malice. Let me repeat for an instant, murders are to be capital "committed with express malice aforethought, such malice to be found as a fact by the jury. Murders are to be capital when connected with a murder," that is, the case of murder of a third person,



“arson, rape, burglary, robbery, piracy.” Here are the instances of malice, express or implied, and of certain constructive murders. Now, all these are offences of the highest gravity. It is for men of intellect to consider and say whether the power of recording a sentence should be permitted under these serious circumstances. Look to the evidence. The advocates of death dwell deeply upon the solemnity of the doom. Is the awful ceremonial then to be withdrawn in cases of express malice, or murders perpetrated in the commission of the worst offences? Where is the security against the record of death in one place, according to one opinion, and the passing sentence for a similar crime in another place, in accordance with another judicial view? You will not fail to be imbued with the idea that all these would be proceedings upon verdicts of guilty for the most grievous order of crimes. Well, one of these murderers will probably be executed, the other *must be saved*. If the death sentence were common to both, and the respective issues an execution or a reprieve, no great mischief or scandal might ensue. But as the forbearance of one judge and the strictness of the other must necessarily go forth to the world at once through the press, there would, according to the different views of people, be charges of misplaced clemency on the one hand, and undue severity on the other.

#### INFANTICIDE.

Infanticide is the subject which arrests the feelings and appals the judgment. How to deal with it seems difficult and embarrassing in the extreme. You are aware that the recommendation is penal servitude (not saying for what time) or imprisonment for this offence; that the period is during the birth, or within seven days afterwards; and that no proof shall be required that the child was born alive. It may be stated that, although the capital convictions have remained stationary for fourteen years past, the coroners' inquests show an increase of committals for infanticide; and although several of these have

been judicially remarked upon as unnecessary, there can be little doubt that mothers, allowing for the rate of population, show an increasing disregard to the lives of their illegitimate infants.

Now, in France, Belgium, Italy, Holland, for the second offence, infanticide is capital — an enormous and unnatural crime, and yet we seem compelled to reduce it from the force of circumstances to the class of inferior murders. All the witnesses denounce the act, all are confounded and embarrassed by a state of things for which they are entirely unable to account. When this question of infanticide, with its legal consequences, both present and future, comes to be carefully sifted, the abolitionists are not without the right to insist that, amidst so many moral and legal discrepancies, the way is open to try the experiment of dispensing with capital punishment *in all cases*, an experiment, which, in many foreign lands, has succeeded, and, notwithstanding confused representations to the contrary, has eminently prospered in England upon issues below the grade of murder. If death be no deterrent against the violation of the tenderest feelings of nature, will penal servitude or imprisonment be present to the creature who, from sense of shame or some worse reason, immolates her offspring? Nevertheless, there is no appeal against this criminal problem. We must treat this murder, as many of the witnesses think, by a severe secondary punishment. We shall, at least, have the feeling of the public with us, and, possibly, should such a punishment be carried out judiciously and with resolution, a change may come over the spirits of misguided young women, who are upon very many occasions the seducers and the seduced.

Seduction, bastardy, child-murder—a terrible sequence. In these sins there are, morally speaking, two participators—the man, who is the natural provider, and, by God's appointment, the responsible provider for his offspring, and the girl, often victimised by his promises, and by the traitorous instincts of her own nature. How is it that the female inmate of the family cottage, trained at the national or Sunday school, sent early into service,

or to gain her bread in the factory or needle-room, how is it that, with her simple life, she becomes by a horrible transformation the unnatural maddened object so often exhibited to a jury, a jury who close their ears against the truth because they dare not face the sentence that would follow? I do not speak of the woman who, having once lost her virtue, becomes for the future an ensnarer of man. I confine myself to the seducer of maidens. How is it that whilst the niggard law presses so hardly on the helpless, the fellow-culprit escapes with his payment of 2s. 6d. a week—not the amount of his beer money? Does he lose his situation? Is he despised by his equals and his friends? Where is the paramour when the woman stands at the bar for concealment of birth, or for child murder? Does he never instigate the deed? Are inquiries ever instituted into the conduct of the man? Is he never, or is he not often, the counsellor and abettor of abortion? She bears her iniquities alone. Her name is blasted in the little world she lives in, whilst the chief agent in the tragedy goes free, it may be to satiate his lust with other victims.

Upon quitting the subject of infanticide, I cannot avoid feeling that the most difficult feature of the Report has been disposed of. Our next consideration will be the classification of murders as recommended by the Commissioners. It may suffice to say, that in the first of the two classes the jury must find malice express; in the second, malice is implied. Now, as long as you retain capital punishment, there seems but little objection to this arrangement. Admitting that you must retain the obnoxious penalty, the world will probably hold the selection judicious.

Amongst numerous examples, a very ordinary case (it is to be deplored for the sake of that holy alliance which should bind man and wife) is where, upon sudden provocation or drunkenness, the husband in an instant becomes, by violence, a widower. Very rarely will the judge receive a verdict of manslaughter. "It is murder, gentlemen, or nothing." "Not guilty." A man was tried at Bodmin, before Judge Crowder, for murdering his mother. The question was, whether death had



occurred from a fall or from the prisoner's violence. Verdict, manslaughter. The judge refused to receive it. Verdict, not guilty. It was a bad case. Very rarely would a jury find malice under the new propositions in cases of sudden violence. Hence, penal servitude would await the "violent man," a fate well deserved, but short of death.

I am disposed now seriously to ask whether all the murders, as ranged in the third or penal servitude list, including infanticide, should not be deemed manslaughters? The interpretation of manslaughter by Parliament will be of a higher degree than judicial expositions of that offence as compared with murder. It may not be out of place to appeal to all intellectual men, not merely lawyers, whether all the cases of provocation, whether by duelling, sudden impulse, drunkenness, jealousy, hasty brawls, felonious presence when murder is committed in the furtherance of an illegal purpose, may not be reduced to manslaughter. We shall thus escape the difficulty of treating one *murder* as worthy of penal servitude, and another as deserving death.

#### PRIVATE EXECUTIONS.

I am now coming to the last important recommendation of the Commissioners. They declare that the weight of evidence is in favour of private executions within the walls of the prison. There are five dissentients—Dr. Lushington, Mr. Ewart, Mr. Neate, the Lord Advocate, and Mr. Bright. The opinion of the first law officer in Scotland is worthy of attention, as he must have been aware of the long prevalence of public executions in his country. Before, however, any suggestions can be made upon this most important proposition, it may be as well just to give a catalogue of the respective witnesses as to that subject, and then to consider whether a majority of thirty voluntary testimonials are to have such an overwhelming ascendancy as to satisfy the people at large that they represent the views and feelings of this country. To begin, then, seventeen only of thirty seem to have been examined on the matter.

I cannot discover any opinions as to thirteen. Now, of these seventeen, eleven are for private executions. Four are in doubt, amongst whom are two English judges and the Solicitor-General for Scotland. Two are in opposition—Mr. Baron Martin and M. Chèdieu. The evidence of M. Chèdieu is very important, and quite equal in value to any given by the other witnesses. It is not easy to say at once that eleven testimonies in favour of private executions are to be deemed such a “weight of authority” (to use the language of the Report) as to warrant the recommendation of an execution within the walls of a prison. It is very doubtful whether the intelligence of this country will sanction such a proceeding. It seems that, notwithstanding the petition of the Manchester juries, there will be a heavy remonstrance in England and Scotland. The attempt to introduce this novel practice has been twice made in the House of Commons, but I remember no sufficient arguments in its favour to induce members to give the Bill a second reading. In France the execution is public, usually in the early morning. Little if any notice is given to the criminal. It is said that this sudden summons is owing to a desire on the part of the authorities to prevent a crowd. I am inclined, however, to the belief that the principle is mercy to the condemned. There was a diary of a political convict in France, before the penalty ceased to be capital in those cases, in which he described his hopes, his fears, his sympathies. At length he is summoned speedily for the guillotine, at an early hour, and a number of asterisks at the end proclaim that the writer had gone to his account. In Belgium, the guillotine is public. In Holland, the criminal dies in public on a scaffold. So in Austria and in Spain. The sentence is read with a loud voice in Russia at the place of public execution. In Switzerland, again, by the guillotine or sword, excepting in three cantons, one of which is Schaffhausen—a very inconsiderable number compared with the whole. Denmark and Sweden allow of decapitation in public. Intramural executions are ordained in Prussia, Saxony, Hanover, and three cantons of Switzerland. It is a rule in the United

States to execute within the walls, and writers seem very much to applaud the practice. But when you advance towards South America, the public spectacle again obtains, although, happily, capital punishment is abolished in many of the States of the South. Lastly, in Australia the punishment in private is, except in the case of the aborigines, universal. In Scotland several judges have recorded their opinions for public executions. Three Irish judges have spoken for publicity; two prefer a change in the present system. To conclude, I do not find more than two judicial opinions on the part of those who were not examined. Mr. Justice Byles and Mr. Justice Shee would have the punishment intramural.

I shall abstain as far as possible also from any personal comments upon this very important paragraph. Really, however, when nearly the whole of the continent of Europe follow the natural instinct of holding up to all within reach the terrible example which awaits a deadly crime, it seems strange that we should adopt the views of the American people or of the more youthful colony of Australia—views which may suit the genius of those nations very well, but may not by any means be in accordance with those entertained in this old kingdom. It is a matter of great doubt whether, of late, the Americans are proper objects of imitation as to their capital punishment. The innocent may, even there, be immolated in private, as well as the guilty.

You will not fail to remark, that there are not many complaints in foreign countries of the public exhibition of death. I suggest nothing in favour of capital punishment; but, if you will have it, there should be a far greater solemnity, when life is taken for murder, than a few tolls from St. Sepulchre's and the uncouth spectacle of the executioner. If you must have death, give us the aspect of death. But even now, even in Müller's case (a bad man indeed, amongst the bad), when he was turned off, the crowd, for some moments, were stilled into silence. Was not that scene as great a deterrent as a mysterious revelation of hanging and obsequies in the shades below? Besides, if you



support the "cellar practice," you at once cut off two important aids from your punishment of death. You hinder the criminal from declaring, if he be so minded, the justice of his doom, and (which is worse) you deprive your fellow-countryman of the inalienable right of proclaiming solemnly on the scaffold the protestation of his innocence. If the truth must be told, it is to be feared that the death-punishment is in itself so revolting as to compel the wise and intelligent to shrink from it, and thus to afford an occasion for men of less scruples to suggest an alteration in the constitution of England, which no doubt many of us (I would it were all) most truly hope may be defeated. There have been but two distinct races of men—Jews and Gentiles. Amongst the Jews an execution was a solemn public ceremony, according to the most ancient tradition. Amongst us the old time-honoured custom is, for the first time, threatened by the Report of a Commission founded, in this instance, upon the declaration of few witnesses and scanty evidence. I have now done with the Report, and it may be remarked, perhaps, without offence, that if these Commissioners had been selected from a body of well-informed and educated men, without any known bias, the country would have been better satisfied.

Under the terms of the Report, a discussion on the merits of capital punishment are clearly let in; I will, however, do little more than refer to some few general statistics and opinions. Although it must be confessed that, if we can determine to take life at all, the crimes of high treason, and mutiny, and incendiarism in dockyards—crimes still capital—are calculated to inflict greater misery on the community than any solitary number or accumulated number of assassinations, according to the present catalogue of those offences. Now there is a return of the crimes capital in 1830, for which the punishment of death has been abolished by statute, or for which it had not been inflicted for the last five years preceding. The date is 29th May, 1841. In order to arrive at a right conclusion as to the capital penalty, it deserves great attention. I must not waste your time.

The total decrease of commitments was no less than the number 136. This is the simple return, not a cooking of accounts.

Many years since, John Clarke, butcher, aged forty-four, was convicted of stealing two sheep, the property of William Porter, of Boston. Mr. Baron Garrow, in order to make an example, and check the crime of sheep-stealing in this part of the country, ordered the prisoner for execution. There were eight other prisoners convicted of sheep-stealing, against whom sentence of death was recorded. The man bore a good character in his neighbourhood, but he was executed.

Now I have had some personal experience in my own county, Hertfordshire, and, notwithstanding the removal of the punishment of death, sheep-stealing was not on the increase, and, in my own neighbourhood, some years elapsed before we had a commitment for that offence, although there were many previous instances. In this particular case, the solution is what some call accident—a matter quite foreign to the punishment of death.

There is also a return of the executions for murder, for four years, in 1815, 1817, 1818, 1829, in which every convict was executed; yet the increase of commitments was 12.9 in the year immediately following. Another return for four years, 1836, 1838, 1840, 1842, shows the smallest proportion of executions for forty-three years; yet there was a decrease of commitments in the year immediately following of 17.1. And another return, from 1834 to 1848, inclusive, gives a decrease of commitments of 2.2 only in the years following executions. There is a return of the number of persons committed and executed from 1857 to 1863, inclusive. It is no fabulous report. It shows, without effort on any hand, that murders have rather increased after executions; of course, not so necessarily, but according to events which seem to steer widely apart from the question of capital punishment. There is no ground for saying that the list of murders for 1865 shows a decline. Yet the executions follow with tolerable certainty. I pass lightly over these statistics; of course they must tell with great force upon some minds. One

witness stated that rape has increased in Scotland; but as that crime is still punishable with death in that country, no great reliance is to be placed upon this evidence, as far as the capital penalty is concerned. It is proposed to repeal the law on this subject.

The statistics in foreign countries, notwithstanding the advancing clemency of the executives, show no serious augmentation of offences. On the contrary, the numbers are, in a great measure, stationary. I forbear, however, from saying any more upon tabular statements, because the important question now at issue, and which is alien to statistical inquiries in some respects, is what the feeling of the people of the United Kingdom would be when it would become known that the law no longer sanctioned the punishment of death—when every man and woman would, for certain, understand that, if life should be taken by them, *their* lives would, at all events, be safe—would not be forfeited in return. Let me refer, for a moment, to the noble conduct of a lady in the midst of a burglary in Wiltshire, in 1842, the aunt of that highly-respected judge, Sir John Awdry. When questioned by the judge at Salisbury, she uttered these memorable words: “I was much excited, but I was too much engaged to think of fear. I was so calm as to think how fortunate it was the law was altered, as, if the men were recognised, the punishment would not now be death.”

The condition of some foreign places where death exists no longer as a punishment may assist us, in some degree, in our embarrassment. Now, Mr. Tallack, the Secretary of the Society for the Abolition of Capital Punishment, enumerates several countries where the death penalty has been abolished, and he freely admits that in one canton of Switzerland, owing to two atrocious crimes, an attempt, not yet successful, has been made to restore the sword. He instances Canada, where there was no execution for twenty years. In Portugal, the capital sentence has been abolished in almost every case. It had been suspended for many years, and the returns show that during ten years crime in that nation has materially diminished. In fact, we have



it from authority that homicide, during that period, decreased from 12 to 5 per cent. There do not appear to be many places in America where abolition has been effected. In Venezuela and Columbia, however, the law does not recognise a higher punishment than imprisonment.

Then there is the objection that the safety of governors and warders of gaols would be endangered by mitigation. This must be disposed of. It seems, at a glance, a most strange idea that the conversion of the penalty for the crime of murder from death to imprisonment should depend upon the personal danger of a gaoler. It is gravely asked, What more would you do if a prisoner should murder his keeper? What more could you do? There is an old pamphlet, entitled "Hanging not Punishment enough." Surely, the examples of hopeless lunatics may be cited in opposition to any argument thus founded. Look to the desperate characters immured in the Bicêtre at Paris. Observe the fallacy of the reasoning in this light. A deadly assault upon the warder would shut out from the prisoner the remotest hope of future liberty. For I would leave the law as it is in the case of a reprieve—penal servitude for life. My opinion has ever been, that the prisoner has quite as much to fear from the keeper as the gaoler can have from the prisoner.

There is another very important consideration. No sooner does the idea of the abolitionists gain an interest in the land than the most terrible infliction next to death, irrevocable imprisonment, is proclaimed with a confidence which seems to defy opposition; whilst, on the other hand, this endless confinement is declared by men well calculated to judge, impracticable, even for murder. And again, there are some who would advocate a severe form of solitude and separation from mankind. If this latter course were entertained, it is obvious that many murderers of a less ferocious type would be hopelessly incarcerated, whilst a convict for manslaughter of a dye equal to a grave murder would be comparatively at large. Three determined jurors, as in the case of John White at Lewes, in 1859, can bring about this result. This suggestion, then, may probably

be laid out of the question. It is, surely, competent for any one to make this remark, that, in consequence of the reluctance of juries to convict, unless upon the clearest testimony, numerous prisoners have been returned by course of law to their native place. They have frequently met after acquittal the relatives of persons whom they have undoubtedly murdered. Yet, except in cases of poisoning, it is seldom indeed that we hear of a second murder in this country committed by the same person. Then if you apply that consideration, you escape the dilemma of shutting out all hope of liberty even from a murderer, whose release after a long duress needs give no more alarm than the necessary discharge of felons acquitted of enormous crimes, yet of whose guilt no reasonable doubt is conceived. It may be well to look with calm reflection upon retaining the law exactly as it is, with the simple exception of reducing the penalty in cases of murder from death to penal servitude or imprisonment for life. At the instant you feel disposed to exact an extreme retribution from a malefactor, you let in the principle of vengeance, which can scarcely be deemed a safe or even a just ground in cautious legislation.

Some years since, one of the difficulties which Lord Russell raised against the repeal of some capital penalties was, that circumstances might arise to compel the reimposition of the graver punishment. This seems to be scarcely a sufficient reason for Lord Russell's opposition. On the contrary, it may be desirable to accept this proposition, but in the reverse of the sense intended. Let us try the experiment. If we succeed, we are rewarded for our mercy; but if the dreaded sequel should take place, whatever may be the opinions of some independent thinkers, the people at large will not resist the restoration of the law to the condition in which we now behold its severity.

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*Report of the Sub-Committee on the Patent Law.\**

I.

THE dissatisfaction which exists with the Patent Law, as at present administered, is so general and in many respects so well founded, and the attempted reforms have been attended with so little success, as to give rise in the minds of some to serious doubts as to the policy and expediency of any Patent Law. These doubts have been strengthened by the concluding paragraph of the Report of the Royal Commission presided over by Lord Stanley, to the effect that "though the changes suggested will do something to mitigate the inconveniences now generally complained of as incident to the working of the Patent Law, they cannot be wholly removed, but are inherent in the nature of a Patent Law, and must be considered as the price which the public consents to pay for the existence of such a law." Under these circumstances it was thought advisable that the question of the expediency or in expediency of a Patent Law should be distinctly affirmed, inasmuch as there would be some inconsistency in the Sub-Committee dealing with the reform of a system the policy of which might be left as matter of doubt, although it might be sufficient reply that the fact of dealing with the reform assumed the expediency of the law sought to be reformed.

The proceedings of the Sub-Committee accordingly commenced with the resolution :

"That it is expedient that there should be a Patent Law."

The terms of this resolution do not exclude the consideration of any mode of rewarding the meritorious inventor or of stimulating invention other than by a monopoly, against which objections may exist ; but in the absence of any other system

\* Read March 26, 1866.



being proposed by the opponents, upon whom it lies to suggest a practicable substitute for that which exists, your Committee addressed themselves to the reform of the existing system, the basis or foundation of which they conceive to be property in an invention. Many of the objections urged against patents on the ground of monopoly may be urged against other property of perpetual instead of limited duration.

The claims or rights of the inventor to own such property may be likened to those of the first finder or first occupant, and rest on the same principle as other property. The author of a book or of an invention has an undoubted right to keep it to himself; but if he thinks fit to publish the book or invention for the use of others, without which publication the book or invention would be valueless, exclusive property in such book or invention is gone, except so far as it may be retained or restored by municipal law. Much learning has been bestowed in support of the so-called natural right of an author, whether in a book or in an invention; but the Sub-Committee consider the question of such a legal natural right to have been long ago settled in the negative, and that the right of an author or inventor is the creature of municipal law.

The Sub-Committee cannot recognise any distinction in principle between the product of the brain as embodied in a book, picture, or statue, and in an invention in the arts and manufactures; substantial differences, however, exist in dealing with such property. No property consists in an idea unless clothed or embodied in some material form; the protection to such property consists in the right to exclude others from multiplying copies. What is a copy may, under certain circumstances, give rise to serious difficulty. Not only must an idea be embodied in a material form as the basis of property, but the boundary & limits of that property must be defined. It has been urged as an objection to any Patent Law, that it deals or attempts to deal with subjects incapable of being defined. What cannot be accurately defined is not the subject of property.

The eye or the ear can judge of the identity or similarity of two books, maps, pictures, or pieces of music; but an invention, embodied in a machine or a chemical process, admits of variations according to equivalents known or unknown. The imperfection of language and the disposition to adopt forms of expression which may include or exclude as much as possible, as occasion may require, add to the difficulty; hence the necessity of some control in the creation of property to be protected by legal proceedings at the option of a party interested in checking or defeating rivals. The public have a direct interest in preventing the creation of rights which may be improperly used; hence the expediency of some check on the indiscriminate issue of patents.

The interest of the public in the maintenance of a Patent Law, not the interest of the inventor, is the real question. The object of the Patent Law is to create, to call into existence, the trade, which, when so created or called into existence, shall be free; the duration of the monopoly given by the Patent Law being the time necessary for that purpose, which may and must differ in various cases. Property in each special invention is the only means hitherto derived for stimulating invention, and rewarding the inventor. Invention, like poetry, may exist as a natural gift. Special instances may be referred to, in which a book or an invention might have been called into existence, or created without the stimulus of copyright or patent right, or expectation of reward; but book-making and invention may be followed as a legitimate business and means of livelihood, and of creating property to be transmitted to posterity. The poetry of Milton might have been recited to admiring audiences, but the capital to produce the first edition would not have been forthcoming if no property had existed in the product; that is, if there had been no exclusive right to the multiplication of copies. Watt might have exhibited his applications of the laws of heat and economy of fuel in the steam-engine; but a Boulton would not have applied capital to call into existence the elaborate machinery by which our mines are drained and looms driven and

railways worked, had there been no property in the product of the capital necessary for its existence. It has been often said, in reference to invention, that a Boulton is necessary for the development of a Watt; and no one acquainted with the history and progress of invention in this country, with the results of the labours of a Crompton, a Paul, and an Arkwright, can fail to recognise the fact that an unlimited amount of labour and capital is employed on the faith of the property to be created by its successful application. The dreams of the alchymists and searchers after perpetual motion laid the foundation of modern chemistry, and produced many mechanical equivalents. The authors of many most useful inventions have died in poverty, amidst the wealth which their labours have created; but the public have reaped the benefit of those labours which the Patent system stimulated, however delusively.

Inadequate remuneration for great service, and large remuneration for small service, are part of the lottery of life; and in illustration of the fallacy of the objection that inventors, as a class, are a deluded race, and that the Patent Laws, as a general rule, keep up and stimulate such delusion, it may be asked whether the receipts of all the learned professions amount to the capital expended in the preparation for, and maintenance of, the position of their professors. One of the results of the reforms hereafter proposed will be, it is hoped, to diminish the anomalies and reproach of the present system, and to lead to more certain results, as to the remuneration of the meritorious inventor, and the protection of the public from the unjustifiable claims of those who may be armed with legal power for the defence of property which ought never to have been granted.

## II.

The policy and expediency of a Patent Law being assumed, the question arises as to the means to be adopted for securing that definition and limitation which are essential to the existence and maintenance of property. The public require protection



against improvident grants; and inasmuch as inventions are reproduced only to share the fate of their predecessors, the inventor requires protection against his own ignorance; such protection as may be derived from the accumulated experience of persons conversant with the progress of inventions as recorded in the Patent Office, whereby he may be warned against the failures of those who have been travelling on the same line of invention; and controlled in the description of the invention in respect of which the patent is made or the property created.

The Sub-Committee concur in the recommendation of the report of the Commission already referred to, as to the expediency of a real examination by competent persons for the purpose of controlling the granting of patents, the ensuring an adequate description of the property created, and amendment when required; duties for the proper discharge of which experience is absolutely necessary.

The Sub-Committee have come to the following resolutions in reference to the granting of patents, to the specifications, and to the amendments or alterations in the letters patent and specifications:

1. "That the Law Officers should have no original jurisdiction in the application for, or the granting of, Letters Patent, in the matter of disclaimers, or of memoranda of alterations."

2. "That provisional protection should be granted, not upon the certificate of the Law Officer, but upon the certificate of an examining officer, subject to an appeal to the Law Officer in case either of the granting or refusal thereof."

3. "That patents should be granted only after the examination and report of competent examining officers as to the novelty of the invention, as to its being the subject-matter for letters patent, and as to the sufficiency of the provisional specification; but that where the report is adverse the applicant should be, nevertheless, entitled to obtain his patent, subject to the following conditions:—

a. "That the adverse report should be recorded, and printed with the specification.

- b. "That in any proceedings, on or against the patent, the patentee should give security for costs.
- c. "That in any such proceedings the patentee should be liable to the payment of costs of the opposing party, as between attorney and client, in case he should be defeated on any of the grounds stated in the examining officer's report. The conditions as to giving security for costs and payment of costs, as between attorney and client, to be satisfied upon a certificate of a judge upon the trial of any cause that the validity of the patent has been affirmed at the trial."

4. "That any opposition to the granting of Letters Patent should be heard by the examining officer reporting upon the application for such Letters Patent."

5. "That the granting or the refusal of Letters Patent should be subject to an appeal to the Law Officers or Law Officer acting as a court or judge or judges of appeal, subject to a final appeal to the Lord Chancellor."

6. "That any disclaimer or memorandum of alterations should be allowed only upon the certificate of an examining officer, subject to an appeal to one of the Law Officers, with a final appeal to any one of the Courts of Law or Equity."

7. "That patents should not be granted for a foreign invention, in fraud of the rights of the true inventor thereof."

8. "That the specification, as filed, should be reported on by the examining officer, and if the same be not in accordance with the provisional specification, or do not particularly describe and ascertain the nature of the invention, the patentee should be required to amend the same to the satisfaction of the examining officer; and in the event of the same not being so amended, the examining officer's report thereon should be printed with the specification; the decision of the examining officer requiring any amendment, and his decision as to the form thereof, to be subject to an appeal to the Law Officers, whose decision should be final."

### III.

Property in an invention having been created, defined, and regulated, the question arises as to the means by which it is to be protected; for, without protection by the arm of the law, the

name of property is an empty sound. But, on the other hand, the public and those interested in a particular branch of trade require protection against litigation, commenced and carried on without reasonable grounds.

The Sub-Committee concur in the Report of the Commissioners as to the almost universal feeling of dissatisfaction which exists with the present mode of adjudicating as to rights of property in patents, and in the observations of Lord Westbury, in delivering judgment in several recent cases,\* as to the importance of ascertaining what the patent is for, before entering on the question of infringement.

On this branch of the subject the Sub-Committee have come to the following resolutions :—

9. “ That no proceedings for the infringement of patents should be commenced except upon the certificate of a competent examining officer. That the application for such certificate should be founded on a written statement, specifying the part of the invention alleged to have been infringed and the manner of such infringement; by which statement the plaintiff should be bound in any subsequent proceedings upon the patent. That such statement may be amended by leave of a court or of a judge. If the examining officer's certificate state that, in his opinion, there is no ground for the proposed proceedings, the intending plaintiff should only be allowed to take such proceedings upon the following conditions :—

- a. “ That such statement and adverse certificate should be given in evidence in the subsequent proceedings.
- b. “ That the intending plaintiff, unless otherwise ordered by a court or a judge, should give security for costs.
- c. “ That in any such proceedings the plaintiff should be liable to the payment of costs, as between attorney and client, in case he should be defeated on any of the grounds stated in the examining officer's certificate.

10. “ That the trial of patent causes, as at present conducted, is unsatisfactory. That such causes should be heard before a judge sitting with one assessor; but without a jury, unless all parties to the

\* See *Spencer v. Jack*, and *Foxwell v. Bostock*.



cause should desire a jury. That the assessor should be appointed by the parties, with the approval of the judge; and, in case the parties should not agree as to such appointment, the assessor should be appointed by the judge.

11. "That, in any proceedings, the objections to the patent should be stated with particularity, to the satisfaction of the examining officer, subject to amendment, by leave of the court or a judge.

12. "That, in proceedings on letters patent, it should be competent for the court or a judge to refer any application to an examining officer for his report thereon."

The Sub-Committee, in reference to the last of the foregoing resolutions, desire to record their opinion of the inadequacy of the authority as exercised by a Judge at Chambers on summons to deal with the question of the particulars of breaches, or of objections required to be delivered by the plaintiff and defendant respectively; and that, in the great majority of cases—probably nine-tenths—the question in dispute is one wholly arising on the construction of written instruments.

#### IV.

The objection of the obstructiveness of patents is much insisted on. It cannot be denied that such an objection has a theoretical existence, however much its reality in practical operation may be doubted or denied. A remedy for this will be found in a system of compulsory licenses.

The Report of the Royal Commission expresses an opinion against licenses, first, because it being the interest of inventors to grant licenses, it may be presumed that they will follow that interest; and secondly, because of the difficulty of estimating the value of the patent; but it recommends that in all patents hereafter to be granted a proviso be inserted enabling the Crown to use the invention without previous license or consent of the patentee, subject to payment of a sum to be fixed by the Treasury.

The Sub-Committee cannot understand upon what principle an individual who may have a large capital embarked in a

business—possibly placed at disadvantage in competing with a neighbour, by reason of some small change in a process materially affecting the cost of production—should be debarred from sharing in an invention which, according to one of the objections of the opponents, is but a forestalment of time, while a public department should be allowed so to interfere with the property of an inventor. The rule should be the same for all.

To meet the objection of obstructiveness and to protect the interests of licensees, the Sub-Committee recommend as follows :

13. " That the grantee of letters-patent should be compellable to grant licenses for the use of his invention, subject to the following conditions :

*a.* " That such licenses, as to their commencement, their duration, the amount to be paid, the manner of payment, and all other matters, should be settled by an officer to be appointed by the Commissioners, or by arbitration in the usual manner, at the option of the patentee.

*b.* " That such licenses should be subject to revision every third year, at the option of the grantor or grantee respectively.

14. " That any license should have the option of continuing the patent, by paying the stamp-duty at the end of the third and seventh years ; the amount of such payments to be deducted from accruing royalties.

15. " That, on application from the class affected by any patent, the Commissioners should be empowered, on such terms as they may consider right in the interest of the public, and which may be agreed to by the patentee, to purchase, out of any surplus fund arising from the fees paid for patents, the patentee's invention, with a view to its being thrown open to general use."

## V.

The purchase of patent rights, the subject of the last of the foregoing resolutions, has been insisted on as the remedy for any inconvenience which the public or any particular trade may sustain from the existence of property in an invention, and as an immediate reward to the inventor. A system of purchase

was put forward by the promoters of the Patent Law Amendment Act, 1852, but abandoned in favour of the system of periodical payments then adopted for the first time, and which last has proved so effectual in throwing inventions open to the public.

An invention whereby a well-known commodity or article in general use is improved or its cost of production reduced is an immediate source of profit to its owner; but an invention which is essentially a new creation, as the self-acting mule, or an improvement on existing machinery costly in character, and the adoption of which involves the loss of a large portion of the capital embarked in existing machinery, makes very slow progress.

The more important the change, the greater is the difficulty of introducing the invention. In some cases existing prejudices have to be overcome, and the invention has to be adapted to the public and the public to the invention; it is a process of education; the superintendence of the parent is required; and in some cases the public have to be protected against the consequences of careless workmanship during the early period of an invention, when a failure would be fatal to its introduction.

The Sub-Committee cannot agree with that portion of the Report of the Royal Commission which is adverse to the continuance of the power of extension, but have resolved—

16. "That it is expedient that the term of Letters Patent, in cases of exceptional merit and inadequate remuneration, should be extended; and that the exercise of this power of extension, on the recommendation of the Judicial Committee of the Privy Council, has given general satisfaction to inventors and the public."

The Sub-Committee would suggest, that inasmuch as the Judicial Committee are, on the occasion of a hearing for an extension, in a position to estimate the money value of an invention, both as regards the inventor and the public, the principle might be adopted of purchase out of the surplus funds from the fees paid by inventors, over and above the costs of the Patent



Office; the absorption of which surplus by the State, whilst so many requirements of inventors, as set forth in the Report of the Select Committee presided over by Mr. Dillwyn, are as yet unprovided for, is clearly unjustifiable.

## VI.

Fourteen years nearly have elapsed since the passing of the Patent Law Amendment Act, 1852, with provisions for carrying out many of the foregoing resolutions. The history of the administration of that Act is curious. The Commission thereby constituted was to consist of the Lord Chancellor, the Master of the Rolls, and the six law officers of the United Kingdom, in all eight persons, together with such other person or persons as her Majesty should from time to time appoint; it being supposed that the onerous and important routine duties of the Patent system should devolve upon and be administered by such additional commissioner or commissioners, subject to the control of the official commissioners. Not only has no appointment of such other person or persons been made, but the Commission has been reduced in number from eight to four; the four law officers of Scotland and Ireland having been excluded from or having ceased to take part in the business; compensation being paid to themselves and their clerks; which compensation is continued to their successors to the present day.

The Sub-Committee, in conclusion, have resolved—

17. "That it be suggested to the Commissioners to carry out *forthwith* such of the foregoing resolutions as may not require further legislation."

FREDERIC HILL, *Chairman*,  
 F. J. BRAMWELL,  
 WILLIAM NEWMARCH,  
 A. V. NEWTON,  
 R. M. PANKHURST,  
 THOMAS WEBSTER,  
 ROBERT WILSON.



*That the Assumption of Surnames and Armorial Ensigns should be subject to some Legal Control and Restriction; and that (as in the case of Peerages) there should be some competent Tribunal to decide Right and Claims to Baronetcies.\* By PETER BURKE, Serjeant-at-Law.*

THE subject on which I am about to enter may, at first sight, seem somewhat apart from the strictly legal discussions which occupy this department of our Association; but, on nearer inspection, the matter will be found to reduce itself to a very close forensic question—a question, in fact, of the possession and enjoyment of hereditaments, incorporeal to the fullest extent no doubt, yet of infinite value to us all. Is it not, indeed, of important interest to the public, that those names and ensigns which have been dignified by merit and are honours in themselves, should not be vulgarised and degraded by unfair assumption; and that one of the great hereditary titles which the Crown confers, should not be left unprotected for any one to take it up under the smallest fancied right, and, in some instances, the falsest pretences? Historic surnames, armorial ensigns, and Baronetcies, are certainly such property as should be under the safeguard of the law. Great surnames are like great titles. I find in the preface to the third series of a popular work, “Vicissitudes of Families,” an observation with regard to the latter which so aptly applies to the former, that I cannot forbear from citing it here:

“There is,” says the author, “a charm that wins us in the titles that occur in our early reading, especially in those titles that are linked to feudal achievements. The magnificence of chivalry hangs upon them, and dazzles the young mind with a brightness that never entirely fades upon the memory. After-study may render us more correct and cer-

\* Read April 30, 1866.



tain, but it is the histories we have pored over and doated on in our youth that really make 'familiar in our mouths as household words—Harry the King, Bedford and Exeter, Warwick and Talbot, Salisbury and Gloster.' Each one of us seems to have a personal interest and a personal pride in our great bygone titles, and each would feel hurt, as it were, should an unworthy person—a person not up to the mark—reassume any of them. Like the sword of the Conqueror, or the crown of Queen Elizabeth, they must not be grasped by the weak or the churlish. They are the trade-marks of that historic gold which admits of no alloy."

Armorial bearings—of immense worth in proof of pedigree—are also distinctions that should not be unmeaningly used and capriciously bandied about. But, of all these infringements, with which the law does not at present interfere, that of the title of Baronet is the most grievous. I need not here dilate on the well-known importance of the rank and dignity of a Baronet, or what a splendid roll of names that honour includes; how it has been the reward of the highest merit for now more than two centuries and a half; how at this day it is sought after and esteemed. To every profession the title is proudly familiar. The law can point to the first Baronetcy of all, which was given to Sir Nicholas Bacon, no doubt in mark of the merits of his father the Lord Keeper, and his illustrious brother, Sir Francis. The law abounds in further Baronets, including Sir Francis Buller, and Sir Alexander Cockburn, the present Chief Justice of England. From Baird to the heroes of the Crimea, and to Havelock and his gallant companions, who vindicated the majesty of Great Britain and saved the Indian Empire, the army has had a numerous Baronetcy. The navy can tell, among others, of Borlase-Warren, Pocock, Duckworth, Rodney, Geary, Parker, and Masterman-Hardy; science has had Sir Humphrey Davy and Sir William Herschel; and in medicine, from the times of Hulse and Sloane to those of Cooper and Brodie, and of Ferguson, Simpson, and Corrigan, just raised to the dignity Baronetcies are legion. Last, not least, literature may boast of Sir Walter Scott and Sir Edward Bulwer-Lytton.

But, to come to the more practical part of this discussion, I think my best plan will be to divide my subject into two parts, Part I. being on Surnames, with their adjunct armorial ensigns; and Part II. being confined to Baronetcies.

As to the first part, therefore—SURNAMES:

I am, of course, not here to contend against the law, as laid down from the time of Lord Chief Justice Coke till now, that a man may bear what name he pleases, and that he will be known and identified by that name. With regard, however, to licenses from the Crown for changes of name, the generally accepted view, unregulated by direct legal adjudication, is, I humbly submit, not quite so clear or correct.

I need not trouble the Society with going through the numerous and well-known cases which bear on the question of surnames. Mr. Serjeant Petersdorff, in his recent new edition of his able Abridgement, Vol. V., quoting “Falconer on Surnames,” sums up pretty accurately the actual state and generally accepted view of the subject, as follows:

“That, in the year 1735, when the question of the manner in which surnames could be changed was before the House of Lords, no notice was taken of any supposed privilege of the Crown to grant licenses on such occasions.\* 2. That any person may take any surname, and that the law recognises the new name when assumed publicly and *bonâ fide*. (Chief Justice Tindal, Lord Stowell, &c.) 3. That a man may assume what surname and as many surnames as he pleases. (Sir Joseph Jekyll, M.R.) 4. That where both christian and surname have been changed, the law will recognise the assumed names. (Lord Ellenborough, Chief Justice.) 5. That no Act of Parliament or royal license is needed in order to sanction a change of name, unless a new name is directed by a donor of land or money to be assumed by the donee, with such or some other particular sanction, and subject to the forfeiture of the donation if the name should not be assumed in the

\* I should, however, here state that the custom of a royal license existed long before then; for as far back as November 10, 1687, a royal license was accorded to Montagu, Lord Norreys, eldest son and heir of the Earl of Abingdon, to take the surname of Venables, Baron of Kinderton. Self-assumed surnames, as now practised, have not so old an origin.

manner directed by the terms of such conditional donation. (Lord Chief Justice Tenterden and the Court of King's Bench.) 6. That when a name is assumed by royal license, it is so assumed by the act of the person taking the name, and the name is not conferred by the license. (Lord Chancellor Eldon.) 7. That the effect of a royal license is merely to give publicity or notoriety to the change of name. (Chief Justice Tindal.) 8. That when, by any Act of Parliament, judges have the control of a particular roll of names, they will, on the change of name, when the name is publicly and *bonâ fide* made, direct the new name to be added to the roll, though such name has been assumed without a royal license, and by the mere act of the person whose name is on the roll. 9. That when any person has legally assumed a name by his own act, it is compulsory on courts of law to recognise the legal act.—*The King v. the Inhabitants of Billingham*, 3 N. & S. 250."

With all this I agree, as far as that any man may at any time, not so acting for the purposes of fraud, change his surname, if we take surname in one of the senses given to it by Dr. Johnson, viz. "appellation." A name in the sense of appellation is a mere verbal mark of identification, and a man can by such verbal designation, as well as by dress, or even gait, identify himself as he pleases. It is only his identity that the law has to do with. He may be Brown, or Smith, or Jones, or even without a surname, if he likes: he may be Bill of the Ford, Jack o' the Green, Black Tom, Rob Roy, anything his fancy may lead him to assume. That the law deals with identification only, one remarkable case clearly establishes, for there, even in regard to Christian names (declared to be unchangeable), the law, having identification solely in view, prefers an assumed Christian name to the real one. The case I refer to, already mentioned by Serjeant Petersdorff, is so important for my argument, that I trust I shall be pardoned for giving an abstract of it. The case was decided in 1814, and is the *King v. Inhab. Billingham*, 3 Maule and Selwyn's Reports, p. 250. The facts were: a pauper, whose baptismal and surname were *Abraham Langley*, was married by banns by the name of *George Smith*. Previously to his marriage he had resided about three years at Lamberhurst, during which time and



from his first coming into that parish, and during all the time he remained there and afterwards, until and at the time of his removal, he was known by the name of *George Smith* only. His legal settlement was at Billinghamurst, and his wife and children had no settlement in Billinghamurst, unless they had acquired it by the marriage. The question was, whether the statute of the 26 George II. ch. 33 [An Act for the better preventing of Clandestine Marriages], which directs “a notice in writing of the *true christian and surname* of the parties to be delivered to the minister,” &c., was well satisfied in this instance by the use of the name of Gorge Smith, this being the name by which alone he was known at the place of his residence, and which was the name he had gained by reputation. Lord Ellenborough, in delivering the judgment of the Court of Queen’s Bench, said :

“It would lead to perilous consequences if, in every case, an inquiry were to be instituted at the hazard of endangering the marriage of a woman who had every reason to think she was acquiring a legitimate husband, whether the name by which the husband was notified in the banns were strictly his *baptismal name*, or whether at the period of his *baptism* he may not have received some other name. What the consequences might be of encouraging such inquiries, as to the avoiding of marriages and bastardising the issue of them, it is not very difficult to imagine. The object of the statute in the publication of the banns was to secure notoriety—to apprise all persons of the intention of the parties to contract marriage; and how can that object be better attained than by a *publication in the name by which the party is known*? If the publication here had been in the name of ‘Abraham Langley,’ it would not of itself have drawn any attention to the party, because he was unknown by that name, and its being coupled with the name of the woman, who probably was known, would perhaps have led those who knew her, and knew that she was about to be married to a person of another name, to suppose either that these were not the same parties, or that there was some mistake. Therefore the publication of the real (dormant) name, instead of being a notice to all persons, would have operated as a deception; and it is strictly correct to say that the *original name* in this case would *not have been the true name* within the meaning of the statute. On these grounds, I

think that the Acts only meant to require that the parties should be published in their *own and acknowledged names*; and to hold a different construction would make a marriage by banns a snare, and in many instances a ruin upon innocent parties."

One, from this case, might be led hastily to infer that a Christian name may be changed as well as a surname; and, in all probability, it was this view that led a gentleman, in one of those but too familiar public advertisements, to announce in the *Times* of the 31st last March, that he dropped, not his surname but Christian name, and assumed another! Yet, says the law as laid down in Bacon's Abridgement (vol. v. p. 593): "It is repugnant to the rules of the Christian religion that there should be a Christian without a name of baptism, or that such person should have two Christian names, since our Church allows of no re-baptism." The case I have cited does not contradict this, but really sustains my point, viz. that the law pays no regard to what either Christian or surname may have been, but merely recognises a party by any known verbal mark of identification that he may then bear. Such, and such only, is, I maintain, the effect of taking a name by self-assumption.

The grant of a surname by royal license stands on another footing; and here the primary sense given to the word surname by Dr. Johnson comes into play, viz., that it is "a family name." Much of import lies in that definition. Many family names are honours in themselves. Plantagenet, Tudor, Mowbray, Howard, De Vere, sound on the ear not as appellations simply: the very greatness of England is in their echo. With the transfer of such family names, a dignity may be said to also pass. True, a man may take what appellation he pleases, and, in the absurdity of his caprice, he may choose to mark his identity by even one of these great surnames, but he does not take with it its antecedents. Where dignity is to be given, it is the Crown alone, as the exclusive fountain of honour, that can be the donor. The royal grant of a surname does not act as the mere publication of a person's own assumption, but it transfers to one man the

actual family name of another. For instance, when the heiress of Scrope married Mr. Poulett Thomson, the royal license which permitted the husband to take the illustrious name of his wife's ancestors, gave that name with all its historical antecedents. It was not the abstract name of Scrope, formed of the six letters S C R O P E, that the husband got, but he was given the family name of Scrope such as it had been used by the Lords Scrope of Bolton.

This distinction between the appellation assumed, and the surname royally granted, may seem over-finely drawn; perhaps so; but my object in this paper is, that such distinction should be positively, legally established. Nay, more, I would have the royal license entirely supersede the mean and injurious system of a man, through a public advertisement, putting up a fresh mark of identity—an *alias*, in fact, and assuming a designation to which he has no honourable claim or right.

Of all forms of procedure, the royal license is the simplest. Once an applicant can show sufficient cause (and it is absurd to encourage change of name without sufficient cause), the royal license issues as a matter of course. The cost of a change of name is about fifty guineas—10*l.* to the Stamp Office, 23*l.* to the Home Office, and the balance to the Heralds' College. It would seem as if the assumption of a name by advertisement is really done to evade the payment of this 52*l.* 10*s.*

I should, by the way, not omit to add, that nothing in the law shows that a party taking of himself a new appellation gets rid of the old one; he has acquired, in fact, no more than an *alias*. Thus, Bug does not become Howard, but is really Bug *alias* Howard, and should strictly be so termed. Think of a Mr. Pipkin becoming by his own act Pipkin *alias* Plantagenet. I am not sure either that the royal license, at present (though it should be made to do so), legally abrogates the original surname; but the custom has certainly been, no doubt, in respect to the Crown, for the first surname to be entirely and invariably dropped on the grant of another, stating that that other is to be the only surname.



The infinite public injury and confusion that will eventually arise from a constant and capricious change of names, need not be pointed out. It will become soon difficult to distinguish the connexion of one family with another; proofs identifying family facts and personages; proofs of births, marriages, and deaths; proofs of devises and bequests, and of settlement, will, in many instances, be next to impossible. And the unfairness, too! The capricious name-changer always aims at some aristocratic designation, and invades invested possession. In a country like England, where hereditary rank and hereditary rights are essential parts of the Constitution, it is absolutely necessary that there should be a positive protection against the false assumption of either. If there be not, and if names can be indiscriminately taken or changed, it will be impossible for an hereditary untitled aristocracy to exist. The false usage of the title of Duke of Norfolk affects the real owner of that distinction in no worse a degree than the false usage of the name of Towneley of Towneley does the representation of that ancient family.

How, it may be asked, can the evil be remedied? Nothing, in my humble opinion, can be more easily done. Let a statute be passed declaring all assumption of names, except under the royal license, to be illegal, and let such act extend and more clearly define the powers of the royal license. I would not have the fees lessened, for I do think 5*l.* 10*s.* little enough to pay by one who has an honest reason for altering his family name.

It may seem somewhat arbitrary to be thus statutably dealing with mere names; yet it is only recently that an evil, somewhat similar to this name-changing, has been checked by Act of Parliament. Intolerable confusion and difficulty had grown up in the metropolitan district from giving the same names, grand ones usually, to different streets. To end this, a clause was introduced into the Metropolis Local Management Act, and that clause is so pertinent to what I advise, that I cannot help citing a portion of it. By the 141st section of the 18 and 19 Vict., cap. 120, it is enacted that—

“ It shall be lawful for the Metropolitan Board of Works, from time to time, to cause to be painted or affixed on a conspicuous part of some house or building at or near each end, corner, or entrance of every street in the metropolis, the name of such street; and the Board may, where more than one street in the metropolis is called by the same name, alter the name of any or all such streets, except one, to any other name which to such Board may seem fit, and which may be approved by the Commissioners of her Majesty's Works and Public Buildings; and before any name is given to any new street, notice of the intended name shall be given to the said Board, and if there be any street in the metropolis called or about to be called by the same name, the said Board may, by notice in writing stating that there is already a street in the metropolis called or about to be called by the same name, and describing the locality thereof, given to the person by whom notice of such intended name was given to them, at any time within fourteen days after receipt of such last-mentioned notice, object to such intended name; and it shall not be lawful to set up any name to any new street in the metropolis until the expiration of fourteen days after notice thereof has been given as aforesaid to the said Board, or to set up any name objected to as aforesaid; and the owners or occupiers of houses and buildings in the several streets of the metropolis, shall mark such houses or buildings with such numbers or names, for the purpose of distinguishing the same, as the said Board may direct or approve, and shall renew the numbers or names of such houses or buildings, as often as they are obliterated or defaced . . . . . and if any person wilfully or maliciously destroy, pull down, obliterate, or deface the name of any street in the metropolis, or the name or number of any house or building in any such street, or paint, affix, or set up any name to any street, or any name or number of any house or building, contrary to this enactment, he shall for every such offence forfeit a sum not exceeding forty shillings; and it shall be lawful for the said Board to cause such name or number so painted, affixed, or set up contrary to their directions, to be obliterated or destroyed.”

Many a splendidly-named street, and many a high-styled house or cottage in it, have had already their pride lessened for the public benefit by this Act; and surely, in some such way, a check should be put on those who, from caprice, or from want

of reasonable cause for the change, or from a wish to save 52*l.* 10*s.*, would unsettle, confuse, and degrade a whole nation's nomenclature.

With regard to armorial ensigns, they are an hereditary honour emanating from the Crown. They are the primary step on the ladder of family distinction. Arms borne under legal heraldic authority are the first degree of hereditary noblesse. Borne illegally and without authority, arms are no better than hieroglyphics.

“ Among the sources of genealogical information,” writes the author of “ *Vicissitudes of Families*,” 1st Series, p. 341, “ arms and quarterings have long been the unerring guides to the elucidation of family history; and frequently, when all other channels fail, the genealogist owes to heraldry the indications which lead him to the object of his research. Thus, in the great peerage case of Huntingdon, one of the principal links in the chain of evidence—the marriage of Henry Hastings, fifth Earl of Huntingdon, with the daughter of Ferdinando Stanley, Earl of Derby—was established by the production of a very old armorial shield, exhibiting the ensigns of Hastings impaled with those of Stanley. Bigland asserts that he knew three families who acquired estates by virtue of preserving the arms and escutcheons of their ancestors; and Burton, the author of the ‘ *History of Leicestershire*,’ a lawyer of repute, was so sensible of the value of coats of arms, that, in order to make them still more useful to posterity, he collected copies of these ancient memorials from stained-glass windows, monuments, and churches, for the avowed purpose that they might rectify genealogies, and to give such testimony as might put an end to many differences. In Wales, descent can be more easily traced by arms than names; and even in England there are many descendants of ancient houses that can only now be classed in their proper places in the family pedigree by an inspection of the ensigns they bore on their seals.”

Arms being a degree of hereditary noblesse, the right to them must always have originated in royal authority; but of late years the wrongful assumption of arms has become so general as very much to lessen the undeniable value of those which are rightly borne. How to remedy this evil is far more difficult than that of name-changing. One would have thought, in a nation



like this, good feeling and self-respect would have stopped many from thus assuming to themselves a regally-given and hereditary distinction really only of worth while a true one. The College of Arms in England recognises the right to bear arms in all persons descending from parties mentioned as entitled to arms in the Herald's Visitations, and also in all persons descending from grantees, and, of course, in all who obtain grants themselves. The rule of the Herald's Office in Ireland is somewhat different and less strict. Any one who can there show by evidence a direct descent from an ancestor whose right to arms has been admitted, either in Ireland, or in England or Scotland, is entitled to a certificate that he is legally an "armiger," and, as such, is qualified to bear the arms registered to the progenitor to whom he traces. In cases where such a descent cannot, owing to the destruction of documents, parish registers, and other evidence, be established by a continuous proved pedigree, but where the applicant can show that for three generations antecedent to the present his ancestors have borne, without challenge, a particular coat of arms, then he may obtain a confirmation and registration of such coat, with some slight difference in the bearings, to indicate that the exact pedigree, step by step, has not been established. In cases where neither a pedigree nor usage can be shown, the only *modus operandi* is by grant. Of Scotland, I cannot speak exactly;\* but it is quite clear that nothing can be easier than to ascertain a real right to armorial bearings. I would therefore suggest this. At present there is a tax—very badly collected, by the way—on all persons bearing arms, whether entitled to them or not. Now, I would suggest that this tax should be reduced to one half in favour of those really entitled to arms, the proof of which to be the certificate of the Herald's Office of the respective country to which the parties belong. Some better plan than this may, no doubt, be suggested; but I do think the time has come to protect the distinctive arms of families, marks, as they are, of merit and honour-

\* See a Parliamentary Return relative to the office, in Scotland, of Lord Lyon, King of Arms, May, 1866, since this paper was read.

able descent. Change and false assumption seldom or never invade the ensigns of national standards; for all civilised countries hold such badges as sacred and inviolable. Why, therefore, should it be permitted to individuals, in their private capacity, to reduce, from motives of mere petty vanity, the whole science of heraldry into a publicly injurious state of confusion?

I have thus tried to show that name-changing and false arms-bearing are serious evils; but I now come to a greater evil still, which forms the second part of this paper, viz. that there at present exists no tribunal for protecting and establishing the right to a Baronetcy.

## PART II.—BARONETCIES.

From the peculiar constitution of a Baronetcy, being an hereditary honour, with no office or privilege attached to it, its inheritance or assumption calls for no public notice or proof. Not so the other titles and dignities of the realm. Peerages are protected by the House of Lords, and no one can assume them without a certainty of detection. The non-sitting in the House of Lords, or, in case of a Scotch or Irish peerage, the non-exercise of the right to vote for a representative peer, must lead to the eventual subversion and confusion of a self-dubbed noble. Claims to peerages are now invariably tried and settled by the House of Lords, and consequently, in the Committee for Privileges, its tribunal for the purpose, there has arisen a system of genealogical jurisprudence which is unrivalled. I need not here, before so many lawyers, and in the presence of our learned chairman,\* so experienced in such matters, descant upon how jealously, and yet how justly, the House of Lords preserves its own dignities; how admirably the Law Lords of that illustrious assembly search into, sift, and weigh each claim. Their care and caution, the attendance also of the legal officers of the Crown, of a bar, and of a high class of agents and solicitors, render fraud or falsity next to impossible. With such a safe-

\* John F. Macqueen, Esq., Q.C.

guard, the peerage of these realms is an institution certain and secure. Knights of the different orders, knights bachelors, and all other bearers of non-hereditary dignities, cannot be pretenders, from the simple fact that their patents or other modes of creation are of recent record, and are capable of immediate reference and proof. Not so with a Baronetcy. The succession to that hereditary honour occurs without the slightest public control; and, as sometimes happens, if that succession be disputed, each claimant coolly takes the title, and, there being nothing to hinder the assumption, two Baronets arise instead of one. In support of this statement, I need only refer to the present condition of the Baronetcy of Codrington. Sometimes the real Baronet, or, at any rate, the apparently better claimant, is put back altogether by the quicker action of an opponent. For instance, a Baronet dies; his title is snapped up by some one, and when he who has the real right comes, after a lapse of time, upon the scene, he finds himself too late to contend against what has been already publicly acknowledged and accepted. The history of the Payne Baronetcy is a sad example of this kind of confusion. In other cases, where there is no member of the family to interfere, the title, at the death of a Baronet, is sometimes assumed by his illegitimate issue, and this may be easily and safely managed; for where is the public authority to gainsay the birth or parentage? I obviously avoid naming instances of this nature, though I could, if I chose, point to one of very recent occurrence. Some protection against these improprieties is in England provided by the Heralds' College, an institution which was most unfairly cried down by Sir William Blackstone, but which is, especially at the present day, one of high integrity and importance. False Baronets are, of course, not allowed to be registered in the Heralds' College; but true ones, also, from neglect or inadvertence on the part of parties succeeding, have not been registered there. A search, therefore, in the College may raise a doubt, but it does not set the question at rest. I may add, that



what is everybody's business is done by no one, and a search is there seldom made. Moreover, beyond the registering, the authority of the College of Arms is powerless, and by the false assumers of titles its rules and directions are easily set at defiance. It may not be now possible to restore the ancient Court of Honour that appertained to the College of Arms, but it would be well if this honourable and useful heraldic corporation, the Herald's College, were invested with more means of acting efficiently than it has at present.

In Ireland, owing probably to the comparatively small number of Irish Baronetcies, and to the great publicity arising from the constant alliances and communication between the higher families of the country, there are few if any instances of false Baronetcies there. Much regularity, indeed, prevails at present in Ireland with reference to peerages, Baronetcies, and other dignities and heraldic matters, owing to a cause upon which it would be egotistical for me to dilate; but I am sure I shall be borne out by all at this day familiar with Ireland, when I affirm that cause to be the able administration, in his office, of Sir Bernard Burke, the Ulster King of Arms.

In Scotland, matters, I am sorry to say, are widely different, and unauthorised assumptions of Baronetcies greatly abound. The Baronetcies of Scotland have usually patents with very extensive limitations. It is rare to find in England or Ireland a Baronetcy with a limitation beyond to the heirs male of the body of the original grantee, while a Scotch Baronetcy goes oft in favour of all heirs male whatsoever, and is now and then with wider and very eccentric modes of hereditary succession. For instance, the patent of regrant by Queen Anne of the title of Baronet to Sir John Maxwell of Pollok, extends the limitation to his heirs of entail whatsoever in his lands and estates! Such latitude being the case, the inheritance of a Scotch Baronetcy demands even more than ordinary investigation; for, without that, it is open to being assumed by any party calling himself of the blood, or within the patent of the first grantee. I am not

here to state who are or who are not rightly Baronets in Scotland, but I am sure I am safe in referring to the following Baronetcies as particularly requiring looking into: viz., Campbell, of Auchenbreck; Campbell, of Aberuchill; Campbell, of Ardnamurchan; Hay, of Alderston; Hay, of Smithfield; Richardson, of Pitfour; Turing, of Foverham; Brown, of Colstoun; Wallace, of Craigie; Hamilton, of Preston; Hay, of Park; Malcolm, of Balbedie; and Wemyss, of Bogie. Most of these are borne by distant collateral descendants, one through an heir female, and all by questionable inheritance, or, at all events, by pedigrees requiring investigation and confirmation by a competent tribunal. I may be met here with mention of the process known in Scotland of serving heir before a jury; but that, as every one cognisant with Scottish law is aware, is, in such cases, a very feeble and ex-parte mode of proceeding, and of little authority—a farce, in fact, when compared with the investigation of a peerage claim in the House of Lords, or of a pedigree in any superior court of justice in the realm. Of late, would-be successors to Scottish Baronetcies have even dispensed with being served heirs, and have confined themselves to publicly stating that, on the advice of their counsel and law agents, they have assumed the dignities in question! I may be further asked if there be not a competent heraldic appeal in Scotland. There is certainly the Lyon Court, presided over by the Lord Lyon, King of Arms, but added to the powers of that Court being limited, it has of late years had for Lord Lyon an octogenarian nobleman, the Earl of Kinnoull, who could be scarcely expected to meddle in the business. He died this year, aged eighty-one; and the place is not yet, I believe, filled up, and it is to be hoped, when there are such heralds and genealogists in Scotland as Mr. Sinclair and Mr. Seton, the appointment of Lord Lyon, King of Arms, will no longer become a mere aristocratic and well-paid sinecure post.

To a person having a *bonâ fide* claim to a Baronetcy, and yet too honourable to assume the title without public proof, the

want of a tribunal to hear and decide his suit is a very great injury. A question, for instance, exists as to the extinction of the Baronetcy of Woolrych, but, for want of a tribunal, the right cannot be decided; and as the present head of the family disdains assumption, the matter must drop altogether.

One observation may naturally arise, which, I think, I am bound to meet. It may be remarked that all these doubtful Baronetcies, or at least the greater part of them, appear in every work on the "Baronetage" that is published. That certainly is so, but the explanation is obvious. These Baronets, though doubtful, have been publicly accepted as such; as such, also, they are received at Court, and some of them are appointed high sheriffs, deputy lieutenants, and magistrates, by the titles they have assumed. Were a "Baronetage" to exclude them, the book would be deemed imperfect; and further, in putting them out, the author would be constituting himself a judge over a question which, however doubtful it may be, he has not the means of trying. His business is simply to set the pedigrees and pretensions forth, and thus the reader, in any case—in such a one, for instance, as that of the Baronetcy of Temple of Stowe—can form his own opinion. I should add that there will not, of course, be found in any "Baronetages," those Baronetcies which are so notoriously false as to have no public recognition; and that is really all that can be expected from such publications.

Remedies there surely should be for preventing the false assumption of Baronetcies. One suggestion, which comes from a learned and experienced quarter, deserves serious consideration. It is this:

"That on the creation of a Baronetcy the estate, or part of the estate from which it takes its derivation, be declared to be inalienable from the title during such title's legal existence. This would secure a certain test, by which false aspirants would be excluded. No one, unless he had a legal right, would be permitted to hold this estate, and a court of law would thus intervene to protect the order of Baronets."

The plan I would myself humbly propose is as follows: That



the principal Kings of Arms of England, Scotland, and Ireland respectively, publish forthwith lists of all Baronetcies, marking those thought doubtful or requiring investigation; and that thereupon the Crown issue a Commission to inquire into and report on such doubtful Baronetcies. That such Baronetcies as the Commission would not preserve be effaced from the Kings of Arms' rolls, and that such rolls for the future be annually published, adding alterations as to successions and new creations as they of course occur.

That any claimant, who at the time of the Commissioners' report, or at any time afterwards, feels himself aggrieved by not being included in the Kings of Arms' rolls, have leave to appeal to the Privy Council, before whom his case might be heard and decided as a peerage case now is in the Committee for Privileges of the House of Lords.

One advantage of this plan is, that it might be adopted at once, since it does not, I believe, want an Act of Parliament to carry it into effect.

Possibly the Society may think that a Crown Commission might be instituted to inquire generally into these subjects of Surnames, Arms, and Baronetcies; but, at any rate, I am sure the Society will agree with me, that frivolous name-changing, false *armigeri*, and doubtful Baronets, ought not to be tolerated in this high-spirited nation, where rank and distinction are so hard to win, and, when rightly won, are so proudly and so properly cherished and preserved.



*Pollution of Rivers in England.\** By ROBERT RAWLINSON,  
C.B.

**S**ANITARY science is not a matter of instinct, but of study, trial, and unceasing care. Science must wage continued war with nature, or men will remain as the brutes. There must be education continued from age to age, or the discoveries of one generation will not avail succeeding generations of men.

Man, in a state of nature, does not attend much to the laws of sanitary science. The noble savage, under a coating of war-paint, is not very choice in his instincts. But war-paint and scalps indicate advances in civilisation—there are types of men existing in lower grades than the one occupied by Red Indians. The rude tribes of Africa, Australia, India, and of the polar regions, the bog-cabin of Ireland, and the bothy of Scotland, with the potatoes of the one and the “braxy” meat of the other, range, in some respects, even below the Red Indian of North America. The first rise from barbarism seems to lead men to seek warmth by conserving the heat of their own bodies. A tainted atmosphere is the result—disease is contingent. The instinct of a wild beast is absent.

It is interesting to trace the progress of sanitary science.

The savage seeks for means of warmth, with shelter when at rest.

As civilisation advances, the chase of wild animals is conserved to royalty and nobles. The hog is placed under the care of Saxon Gentry, to feed and to be meat for serfs and villeins.

The Norman baron erects his castle, and about its walls and outside its boundary river, or moat, congregate the cots and huts of his serfs and retainers. Castle and hut corrupt the surface they cover, but do not foul the rivers.

\* Read at a meeting of the Health Department, May 23, 1866.



Mediaeval towns, with tall houses, narrow streets, and unpaved surfaces, are walled in for protection. There are neither sewers, drains, nor scavenging; but rooms, yards, and streets alike are sodden with accumulated filth; surface wells are tainted, but rivers flow down in a comparative state of purity. Civilisation has advanced. Men have become more expert in the wholesale art of committing murder. There are emperors, kings, inferior grades of nobility, and knighthood, with bishops, and hosts of inferior orders of the priesthood; pomp and ceremony, based on oppression and human misery. Sanitary science is not, however, known, even in name. Filth was part of religion. Holy men lived without any change of clothing; they died prematurely of some filth-bred disease; their bodies were found covered with loathsome parasites, and this was set down to their credit, as having lived and died in a state of sanctity.

The prime law of sanitary science is that law which instructs men how health shall be secured and prolonged for the greatest numbers.

A pure religion teaches, by precept and by practice, that cleanliness is akin to godliness. A pure city must contain pure houses, and these must shelter pure human bodies, before they can enshrine pure minds.

Sanitary science should precede all other forms of learning in rank and importance. At present, it is not known but by name at any of our universities.

The gradual progress of sanitary science has led to the pollution of rivers, which evil has risen to so great a height, that men ignorant of the results desire to force society back into one state of mediæval filth, regardless of consequences. There has been a cry for a return to cesspools.

The castle of the Norman baron had its guarderobe tower and outside mound of excrementitious filth, its unpaved courtyard, and rush-covered floor. Rude doors, rough carpentry, wide chimneys, and tapestried walls gave admission to fresh air,

and so life attained to a certain rude strength, which was expended in robbery, oppression, and war.

In towns and in villages there were filth, squalor, misery, and premature death; sweating sickness, black death, plague, putrid typhus, and of late cholera. Putrefaction has fermented from time to time so as to corrupt the air, water, and the blood, until a moiety of all the inhabitants of an infected district has been swept to untimely death, and the survivors have lingered in weakness and misery to sink prematurely into their graves.

The first form of improvement in towns consisted of rudely-paved streets—stones unassorted, big and little, laid down at random, and so formed a surface which prevented the existence of an actual quagmire, but did not insure much of comfort or of cleanliness to pedestrians. The channel was usually open, and down the centre of the street.

Towns, as inhabited in mediæval times, on the Continent, and even in Great Britain, during the memory of living men, had the surface and subsoil one mass of filth and taint from filth.

The “Wha wants me?” of old Edinburgh, was a step in advance, as was also the midnight and morning shower from certain domestic utensils over the footways and streets. The only scavenger was, however, the sun to dry, and the city shower to wash—of other cleansing there was none.

The first step in advance led to backdoor middens and cess-pits, as they prevail now in cities, towns, and villages in Great Britain; something worse on the Continent. Then came cess-pools and covered drains, and ultimately rude sewers to remove occasional surface water and the overflowings from non-absorbent cesspools; an absorbent cesspool, as in Chalk, at Brighton, and at some other places, with a well for domestic uses adjoining, being considered “perfection,” as combining economy of construction and management with utility. There were no sewer-rates, and rivers were not fouled. The Local Registrar of Deaths, however, strikes a heavy annual balance in all such places.

Sewers are as ancient as the Cloaca Maxima; and, as indicated

in the ruin mounds of Asia, much older. The sewers and drains of ancient Rome certainly polluted the river Tiber. I shall not, however, be surprised to learn that sewage irrigation belonged, in some form or other, to the ancients, as they seem to have "stolen all the ideas of us poor moderns."

Main sewers were not at first formed in England to drain houses, as the common law of England holds that every man shall retain and dispose of his refuse or effete matters, so as not to be any nuisance to his neighbour. Hence the construction of cesspools, one cesspool after another, until the entire site upon which a house stood became honeycombed with cesspools; just as in other parts of the world, Africa and India, the dead are buried beneath the floor of the hut, and in China are placed on the surface of the ground around the joss-houses, to pester and putrify, contaminating alike the air, the subsoil, and the water.

In Lower India, the Holy Ganges receives the bodies of Hindoos, which cause this form of river pollution.

About the commencement of this century, sanitary science invented the modern water-closet, and with the cheapening and improvement of cast iron came cast-iron water-pipes and fuller and better supplies of water. Cesspools, when they ceased to absorb as fast as they were filled, overflowed; these overflows were stealthily connected with the main sewers; and, in time, water-closet, house-sink, and yard-drains were taken direct into the main sewers. As these necessarily had connexion with streams, brooks, and rivers, pollution of rivers became more general. The law of exclusion of house-drainage from main sewers was repealed in London, and with the alteration came improvement of the public health, so marked and self-evident as to command attention. The olden sewers are large, flat-bottomed, and vertical-sided; they are neither true in line, nor even in gradient; they receive sewage, but do not regularly transmit it to the outlet; the fluids soak and evaporate, the solids accumulate, putridity sets in, and a scourge of typhus fever ravaged the inhabitants resident on both margins of such foul sewers.



These sewers of deposit proved to be the cause of an immense advance in town sewerage, namely, main sewer ventilation, by which the gases of decomposition are regularly and continuously diluted. It became necessary to cleanse these rude, uneven, absorbent, flat-bottomed main sewers by manual labour, and to enable men to enter them and live, ventilation was necessary. This, although an imperfect and rude contrivance, has saved thousands of lives annually in London.

The river Thames has been polluted, but the health of the entire population has been improved, as the Registrar-General's returns show. If human life is most to be considered, and if the greatest amount of human health can only be secured by the pollution or partial pollution of rivers, it will consist with the wisdom of a State to choose that course of procedure which is to secure the greatest amount of comfort to the greatest numbers. This at present is not provided for in the common law of England, nor is it in any degree recognised by any of our common law judges. The opinion is acted upon, that no man is to injure his neighbour; that no body nor number of men are to injure the individual. The water of a mill or of a fish-pond, for instance, is not to be contaminated; although thousands enjoy improved health and prolonged life in doing the wrong, and comfort alone in the individual is interfered with. Bentham would have ruled differently. Injunctions will lie against sewered towns for fouling mill-streams, or ornamental lakes, or fish-ponds; but for the evil in its most gigantic and worst forms, as in the rivers and streams of Yorkshire and Lancashire, no legal remedy exists. The number of the offenders and the magnitude of the offence set common law at open defiance. How shall an injunction be enforced in such cases? The Government has recognised the evil and the difficulty, and has advised her Majesty the Queen to appoint a Royal Commission to inquire into the pollution of rivers; a first Report on the river Thames having recently been published.

It must ever be interesting and also instructive to study the

progress of civilisation. The student may do this in his closet by the aid of observant writers, and by the labours of historians. Closet study is not, however, very reliable; as, for full information, the mind must be instructed through the senses. We must see, feel, smell, and endure some of the miseries resultant from defective sanitary arrangements, rightly to comprehend the causes of sweating sickness and plague. A student of geology cannot find living examples of the huge saurians of the oolites and lias, but he may study every formation in some part of the globe. The great Pacific Ocean swarms with coralines and sauroidal fish; some island groups produce almost exclusively reptiles; and in the great rivers, swamps, and wastes of Africa and South America, huge pachydermata and gigantic reptiles abound. The greatest of living creatures, the whale, disports its huge carcase amidst polar ice. Progressive development does not mean progressive growth from one type of life to something higher over the entire surface of the globe at the same time.

In sanitary science, as in geology, every type of human life may be seen and studied. The degraded tribes of Australia and Africa show us man in his most helpless form. In the East, tribes live as during the days of Abraham; in China, as when Confucius promulgated his laws; and in India, as when Buddha taught. In Russia, in Spain, and in Southern Italy, we may find representatives of our Middle Ages—countries without roads; villages half morass half forest; towns without pavements, without sewers, without police, and without any form of public or private scavenging. The good old times exist in all their strength and offensiveness; bandits infest the country, filth and fever haunt the villages and towns. The rivers are, however, free from sewage pollution.

The poet sings :

Science moves but slowly, slowly, creeping on from point to point;  
Slowly comes a hungry people, as a lion, creeping nigher,  
Glares at one that nods and winks behind a slowly-dying fire;  
Yet I doubt not thro' the ages one increasing purpose runs,  
And the thoughts of men are widen'd with the process of the suns.

In this rude and most imperfect sketch of the progress of sanitary science, I have attempted to show that one form of evil may have supplanted others which were far worse; but I further purpose to indicate, that not only were the sanitary defects of mediæval life the result of a common neglect, but also that our modern sanitary abominations equally result from ignorance, abuse, and neglect of the teachings of true sanitary science.

This may aptly be termed the age of great cities. Trade is massing men in England, until our town population exceeds that of the country.

Trade, commerce, and manufactures fix their greatest centres on the margins of our rivers. Commerce crowds the estuaries, and manufactories line both banks up to the sources. The waters of our abounding streams were first taken for their use; but now, by one common neglect, every stream and river on which manufacturing populations have settled is abused—fouled beyond the power of words to describe. The fable of the goose which laid golden eggs, is being repeated; the common law of the land is openly and notoriously broken. As in society, one cut-throat makes a murderer and may be hung, the wholesale murderer is a hero, and gains honour, wealth, and decorations; so with our rivers, the individual may be prosecuted successfully for committing a nuisance; but the wholesale polluters of what were at one time our most beautiful streams and rivers, openly and continuously set common law and common decency at defiance, by polluting rivers wholesale, and gain wealth thereby, and the honour of a seat in the National Legislative Chamber, to assist in making new laws, and in supporting those they persistently and continuously break. Is the poet also the prophet? Will the thoughts of men be widened? Shall we in time learn that law-breakers should not also be law makers, and law administrators?

The atmosphere over our great towns is darkened by smoke, which may be prevented; our rivers are polluted by abuse in



many forms. In both cases prevention will be true economy, and that which is the best for the community will be found to be the best also for the individual; civilisation is a complex piece of machinery, and requires unceasing intelligent care to keep it in order. We cannot turn the dial-hand of Time back, but must move with its motion. We must, however, avoid the suicide's fate, and strive to make life better, fuller, holier, and cleaner than in the days when our rivers were pure and bright, because no population existed to cause pollution. The creation of wealth means the creation of additional means of comfort and health to the populations which create the wealth, or it means premature ruin and ultimate decay. We must see that we realise the vision of the poet, and, by wise legislative care, make it—

Better fifty years of Europe than a cycle of Cathay.

Men live longer and faster than formerly. A man, in these days of steam and electricity, may do more, see more, know more, and, if wise, enjoy more, than generations of his ancestors; but he must learn, understand, and obey the laws of sanitary science.

Sanitary science will teach us to utilise waste products, as in gas-making, and so restore our streams and rivers to their ancient state of purity and beauty.

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*Report of the Sub-Committee on the Bankrupt Law.\**

THE Sub-Committee on the Bankrupt Law, to whom the Government Bill has been referred, have carefully considered its provisions, and now submit to the Department their views with respect to it.

The Bill is a Consolidation Bill, and begins by repealing (s. 2 and schedule 1) the whole of the existing statutes relating to bankruptcy; but of the 317 sections more than 200 have been transferred, either literally or in substance, from the Bankrupt Law Consolidation Act of 1849,† or the Bankruptcy Act of 1861.‡ Many of the remaining sections—particularly those relating to the new officials created by the Bill—have been borrowed from the Scotch Bankruptcy Act of 1856.§

To analyse the rearrangement of these old materials would be endless work. The Committee, therefore, propose only to describe concisely those features in the Bill which are new.

The existing judicial machinery of the Court of Bankruptcy is for the present retained, but a transfer of its provincial jurisdiction is to be gradually made from the district courts, so as to vest it altogether in the county courts. This is to be managed in the following manner. The commissioners are to be continued (s. 12), but vacancies in the commissionerships of country districts are not to be filled up (s. 13). When the commissioners in each district court have all died out, the jurisdiction of the district court may be transferred to the county court by Order in Council (s. 9); and until such transfer the registrar is to discharge the commissioner's duties (s. 13).

Sections 24 to 27, both inclusive, create a new officer, under the name of the "comptroller in bankruptcy." This officer is not directly or indirectly to be engaged in any trade, business, or

\* Read May 28th, 1866.

† 12 & 13 Vict., c. 106.

‡ 24 & 25 Vict., c. 134.

§ 19 & 20 Vict., c. 79.

profession; nor is he directly or indirectly to have any management of, or dealing with, any money of any bankrupt estate. His functions are to superintend the conduct of the trustees and inspectors—two new classes of officials created by this Bill. It will be competent for him, either upon information officially received by him, or upon any complaint made to him by a creditor, to inquire into the conduct of any trustee or inspector relative to the discharge of his duties. If not satisfied with the explanation given, he is to report upon the case to the court, who may either remove the trustee or inspector, or “otherwise deal with him as the justice of the case may require.” He is at all times, when requisite, to report to the court any disobedience, on the part of any trustee or inspector, of any requisition or order given to him, and generally any matter which he may deem it necessary for the due discharge of his office to bring before the court. He is also (ss. 296-298) to keep a register of bankruptcies; to superintend the annual returns to be sent in by the trustee (s. 298); and to make an annual report to the Lord Chancellor.

It will be seen that the scope and duties of the office as defined in the above sections, much resemble those of the permanent officer in the Scotch system, called by the rather confusing name of “the accountant in bankruptcy.” The “independent surveillance which is exercised by this official, is found to be of great practical value” in Scotland.\* But it is difficult to understand why a new official has been created to discharge these duties in England, when the present accountant in bankruptcy (whose duties are so light, that his office was to have been abolished by the Act of 1861)† is to be retained (s. 28).

The offices of official assignee, messenger, and registrar of meetings are abolished, except as to existing bankruptcies (s. 34),

\* Paterson's “Compendium of English and Scotch Law,” p. 418.

† S. 12 provides that it shall be abolished at the next vacancy, and its duties discharged by the Chief Registrar. The new Bill only gives the Lord Chancellor discretion to abolish it.



and provisions are made for pensioning the holders of abolished offices (ss. 40, 41).

By s. 86, it is proposed to abolish imprisonment for debt or damages upon any judgment in the superior courts, county courts, or other inferior courts, and also to abolish attachment or imprisonment on any decree or order of any court of equity or lunacy, made to enforce payment of money. The only exception made to this proposed change is, that the county court judges are still to retain their power to commit debtors upon unsatisfied judgments obtained in the county courts, under the provisions of the County Court Acts.\* But all other prisoners for debt are to be at once discharged (s. 88).

All restrictions as to the amount of the debt or debts, upon which a petition may be founded, are to be withdrawn, and any creditor (s. 104), however small his debt may be, is to be at liberty to petition for an adjudication against his creditors. On the other hand, no debtor is to be allowed, under any circumstances, to petition for adjudication against himself.

The Bankruptcy Act of 1861,† provides that a debtor, petitioning against himself, where the debts provable under the bankruptcy are under 300*l.*, must file his petition in the county court, unless he is within the metropolitan district. But the new Bill proposes (s. 107) an entirely different plan. In all country cases,‡ whenever the debt stated in a petition is 50*l.* or upwards, it is to be filed in the district court of bankruptcy; when under 50*l.*, in the county court. But on the application of creditors who have filed affidavits of debts to the amount of 300*l.* (s. 134), the court is to transfer any petition filed in the county court to the bankruptcy court, in which it should have been filed if the petitioning creditor's debt had been 50*l.* The court is also to have power (s. 135) to transfer the petition to any other district in which it

\* 9 & 10 Vict. c. 95, s. 99.

† S. 94.

‡ Within the Metropolitan District, the Bankruptcy Court has exclusive jurisdiction in all cases.

is satisfied that the proceedings could be more beneficially and conveniently prosecuted; and a majority in number and value of the creditors may obtain the transfer of any petition to any other district, or to a county court, as a matter of right.

The most important alterations proposed to be made by the Bill, are effected by sections 138 to 150, both inclusive. Instead of a regular judicial officer, who is accountable only to the court, supplemented by an unpaid creditors' assignee, a single paid trustee is to be appointed by the creditors as their agent, who is to be responsible to them as well as to the court, and who is to be in a great measure subject to their own control. In fact, not only has the principle of the Scotch system been adopted, but the provisions of the Bill have been mainly borrowed from the Scotch Bankruptcy Act of 1856.

The appointment of the trustees must always be preceded by an adjudication of bankruptcy. The order of adjudication is to appoint a meeting of the creditors to be held not less than six, nor more than twelve days after adjudication, or after expiration of any time allowed to the bankrupt to oppose the adjudication. Notice of this meeting is to be given in the notice of adjudication, advertised in the gazette and newspapers in the usual way. The registrar of the district is, on the written request of any two creditors who have proved, to attend and preside at the meeting either himself or by deputy, receiving proofs, taking down the minutes, and exercising his present ministerial functions. If the registrar or his deputy is not present, these duties are to be exercised by a chairman, to be elected by a majority in number of the creditors. The creditors who have proved are then to elect by a majority in *value* a person to act as trustee, and, if they wish it, another person to take the place of the first trustee, in case of his non-acceptance, death, or disqualification. The trustee may be a creditor, if not holding interests adverse to the other creditors (s. 148), and so may the inspectors. If there be no competition, the registrar or his deputy is to declare the person chosen by the creditors to be the trustee. If there be any com-

petition or objection to the candidate or candidates, the registrar or his deputy may, by consent at once, decide the matter in dispute. But should any creditor object to his doing so, it must be referred to and decided by the commissioner.

When the meeting is presided over by a chairman only, his duties are purely ministerial, and he must, in every case, transmit the minutes and other documents to the registrar, who is to act upon them as if he had been present (s. 143).

When once the appointment of the trustee has been finally confirmed by the registrar (s. 146), his certificate of confirmation cannot be reviewed in any manner. It relates back to the adjudication, and is "a complete title to the trustee to perform the duties imposed upon him" by the Bill.

At this meeting for (but after) the appointment of the trustee, two or more creditors, or persons holding proxies from creditors, are to be appointed by a majority *in value* of the creditors to be inspectors of the bankruptcy (s. 147). Their duties (s. 205) are to superintend the proceedings of the trustee and give him the benefit of their advice and assistance.

The control of the creditors over their trustee, either directly or through their inspectors, would be very great. A majority in number and value (s. 149) are to be able at any time to remove him or accept his resignation; and on the petition of one-fourth in value of them, or on the petition of the comptroller, the court may remove him in favour of the substituted trustee, if any, or if not in favour of a new trustee to be elected as before by the creditors. A majority in number of the creditors (s. 150) are to be able also at any time to remove an inspector and elect another in his place.

The trustee is to be the responsible agent for winding up the estate. He is (s. 179), in the first instance, to accept or reject, either altogether or in part, any proof, whether tendered before or after his appointment, and he is also to have power to examine on oath the bankrupt, the creditor, or any other party relative thereto. The court, however, may (s. 207) on appeal alter,



vary, or rescind any decision of the trustee or inspector, or any resolution of the creditors.

Throughout the winding-up and distribution of the estate the trustee is to act under the direction of, and report to, the creditors assembled at their meetings (s. 195). When any part of the estate consists of land or leasehold estate, the creditors are to decide (s. 196) how and under what conditions the trustee is to dispose of it; and the trustee, or any inspector, will be bound to call a meeting of creditors at any time on the requisition of one-fourth in value of the creditors or of the comptroller.

The remuneration of the trustee is to be a commission on the assets recovered (s. 202) to be fixed by the inspectors, when they examine his statement of the bankrupt's estate (s. 252). This statement he is to make up immediately on the expiration of five months from the adjudication, and within ten days afterwards the inspectors are to audit his accounts and settle the amount of commission for which he is to take credit. Thereupon, on the first day after the expiration of six months from the adjudication, the first distribution of dividends is to be made; a similar statement is to be made up at the end of eight, and a second dividend to be paid at the end of nine, months; and so on at intervals of three months, until the whole funds of the bankrupt are exhausted (ss. 253-257, inclusive).

Provisions are also made for securing and facilitating the distribution of unclaimed dividends (s. 264), and heavy penalties in the shape of interest (s. 203) are imperatively imposed on a trustee who keeps more than 50*l.* belonging to the estate in his own hands for more than ten days.\*

On the certificate of the trustee (s. 269) that the bankrupt has made a full surrender and discovery; that he has given all the assistance in his power; that assets have been realised, or payments made by him or on his behalf sufficient to pay a dividend of 6*s.* 8*d.* in the pound; and that he has not been prosecuted (or

\* Under the 175 s. of the Act of 1861, the power of imposing this penalty on the creditors' assignee was given to the creditors, but it was optional, not imperative.

on prosecution has been acquitted) under the Act, the bankrupt may at any time after four months from adjudication, petition the court to be discharged from all debts contracted by him before bankruptcy. If unopposed, for twenty-one days after notice of the petition has been gazetted, the discharge is to be granted as of course. But if any opposition is made, the grant of the discharge is to be in the discretion of the court. No ground of objection is, however, to be admitted which does not establish the fact that the conditions set forth in the certificate have not been substantially performed. And it is further provided, that the court *may* grant a discharge to a bankrupt who has not filed a certificate of conformity, where he can prove that he has substantially conformed (s. 269).

But in any case (s. 270) after the expiration of six years from the date of adjudication, the court is empowered to discharge a bankrupt who has otherwise conformed, although he may not have paid 6s. 8d. in the pound. Provisions are of course made (s. 274) for an appeal from the court to the appellate court, upon all decisions relating to the discharge of the bankrupt.

The trustee, at a meeting of the creditors to be called after the final division of the funds, is to submit his books and accounts to the creditors, who may then "declare their opinion of his conduct as trustee." This opinion, recorded in the minute-book, is to be forwarded to the comptroller, who is to report to the court as to the conduct of the trustee. The trustee may then apply to the court for a discharge, which may be opposed by any creditor, and the granting of which is entirely in its discretion (s. 280).

The provisions as to "trust deeds for benefit of creditors, composition, and inspectorship deeds" (ss. 287, 295), are altered in some material particulars. It is provided expressly that no such deed shall, under any conditions, discharge the debtor from the debts of non-executing creditors, unless it comprise the debtor's whole property, real and personal; *and* unless all the creditors receive at least 6s. 8d. in the pound. But at the same time it is also provided, that after notice of the filing and registration of

any such deed, no execution or other process shall be available against the debtor's property without leave of court (s. 293).

It has been the source of much satisfaction to the Committee to find, that in adopting some of the principal features in the Bill the Attorney-General has vindicated the course pursued by this Department and by the Law Amendment Society for many years. They have all along urged the necessity for a consolidation of the statute law relating to Bankruptcy; claimed for the creditors of insolvents the right to deal with and distribute their estate with as little judicial interference as possible; and pointed out the advantages which would be gained by simplifying and localising as much as possible the judicial machinery of the Court of Bankruptcy.

But on examining more closely the details of the proposed new clauses, the Committee were struck with what they held to be defects of a serious nature. After several meetings and careful consideration they passed the following resolutions, for presentation to the Attorney-General.

That the Sub-Committee approve of those principles in the Bill which provide for a consolidation of the Bankrupt Law, for the abolition of imprisonment for debt, for establishing a more adequate local jurisdiction in bankruptcy, and for placing in the hands of the creditors the responsibility of winding up the estate after adjudication; but they are of opinion that amendments may with advantage be made in the measure, and they will proceed to lay the following suggestions, for that purpose, before the Attorney-General.

1. The administrative authority proposed to be given to the body of creditors would, the Sub-Committee submit, be more complete and effective if it took effect *on insolvency* and *before adjudication*. Where a debtor stands aloof, an immediate bankruptcy may be needful as a method of coercion; but where the debtor is willing to place his estate at the disposal of his cre-



ditors—that is to say, speaking generally, wherever there is anything to divide—it is commonly the wish of both parties to avoid a bankruptcy. In such cases, the judicial assistance requisite at starting appears to the Sub-Committee to be, not an adjudication, but a *judicial summons to the creditors* to meet for the purpose of determining, by the resolution of a majority in number and value, whether an adjudication shall take place, the judicial summons itself being an act of bankruptcy, if, but not unless, so treated by the resolution of the majority.

2. The Sub-Committee therefore beg leave to suggest that a debtor, on finding himself insolvent, should be competent to file with the judge or registrar of the nearest court a statement on oath of his assets and liabilities, together with the names and addresses of his creditors, and to require the court to summon a meeting thereof; that this judicial summons should stay all other proceedings, and that the judicially convened meeting should have power, by the resolution of a majority in number and value, either to adjudicate the debtor a bankrupt, or to exclude the jurisdiction of the bankruptcy court, and to cause the estate to be wound up extra-judicially.

3. It will be observed that the Sub-Committee do not propose an extra meeting, but only such an extension of the power of the first meeting as would enable the creditors present, personally or by proxy, to *choose between bankruptcy and arrangement*, as well as to elect the trustee.

4. The Sub-Committee further submit that, in the event of the meeting preferring an arrangement to a bankruptcy, the *mere resolution* itself should, *without a deed*, vest the estate in the trustee, and that this resolution, being registered and advertised, should, unless reversed on appeal, to be made within some fixed and moderate period, operate as a judgment *in rem*, binding on all persons affected. A form of resolution, for the guidance of the meeting, might be given in the schedule to the Bill.

5. A bare majority in number and value should, the Sub-Committee think, suffice for keeping the estate out of bank-

ruptcy; but to give validity to an arrangement deviating in any way from a simple and absolute vesting of the whole estate in the trustee, they think that a larger majority should be required, and perhaps a confirmation of the resolution by a second meeting, following the precedent of the "special resolution" of a joint-stock company. They desire, however, to suggest that, even for the most special permissible arrangement, the mere resolution of the meeting should, without a deed, bind the whole body of creditors, unless reversed on appeal [made within the time prescribed.

6. For a special arrangement, the consent of the debtor would be requisite.

7. The Sub-Committee observe with regret that the Bill proposes to disallow a *composition* with creditors (s. 293). This they understand to be generally considered the most convenient and most acceptable form of arrangement, and they think it may be defended on principle, especially when guaranteed by sureties as a *mode of selling* the estate to the best advantage for the benefit of the creditors.

8. Should the Attorney-General entertain the idea of giving to the creditors, *from the very first*, the power to regulate the administration of the insolvent estate, the Sub-Committee trust they may add, as a further suggestion, that both on principle and expediency that same power of the creditors should continue to the end of the proceedings; in other words, that the *discharge of the bankrupt* should rest with the creditors, and be irrespective of the amount of dividend.

9. On this important question they desire to recommend a partial adoption of the principle of the Scotch law, viz., a discharge resting on consents of *majorities, less and less, as time elapses*. They think, however, that the requisite consents should be given *at meetings* of creditors, by the resolutions of prescribed majorities in number and value of those present personally or by proxy, and not by separate signatures out of doors.

10. The power of the creditors ought, the Sub-Committee think, to be qualified by a provision, that after the expiration of a fixed period the discharge of the insolvent should rest, as in Scotland, entirely with the court.

11. To exact, by a law of bankruptcy, from insolvent firms or individuals, a minimum dividend as a condition of discharge, would, the Sub-Committee submit, be inconsistent with the practice in equity of dispensing to insolvent limited companies an unconditional absolution. While a partnership of seven is allowed to go scot free without having paid anything to anybody, and irrespectively of the causes of its failure, the Sub-Committee fail to see a reason for inflicting on a partnership of six, by a sort of commercial outlawry, the indiscriminating stigma and penalty of a six years' indebtedness, in a case where special and extenuating circumstances of unavoidable misfortune, or of conscientious abstinence from the use of credit, or perhaps even of expense incurred by others in the liquidation of the estate, may have brought the fund for dividend below an arbitrary legal measure of the productiveness of insolvency in the abstract.

12. With reference to the foregoing suggestions the Sub-Committee desire to recommend, as their leading principle, that inasmuch as the debtor's insolvency passes to the body of creditors a title in right and justice to wind up the estate for their common benefit, the law ought to facilitate their common action, *from first to last*, by giving to them a sort of incorporation, with power to act socially for all purposes within the scope of their association, by greater or less majorities, and with a minimum of judicial interference.

13. The Sub-Committee would also venture to call the attention of the Attorney-General to the existing organisation of the County Courts in reference to the jurisdiction in bankruptcy conferred on them, immediately or prospectively, by the Bill under consideration.

There is no doubt that any success which can be claimed



for the Scotch bankrupt law is due, in a considerable degree, to the mode in which that law is administered by the Scotch Sheriff (*i. e.* County) Courts. It seems to be consequently inferred that a similar success will follow in England, if, on the introduction of the Scotch system for collecting and distributing the assets, the jurisdiction in bankruptcy be transferred, as the Bill (so far as the provinces are concerned) proposes it shall be, partially at first, but in process of time wholly, to the County Courts.

Now it is desirable to point out that the organisation of a Scotch Sheriff Court differs, in important respects, from that of an English County Court. The Sheriff Court is really (what the English Court is only in name) a *County Court*; that is, it is a unity, the court of the county. The sheriff, it is true, is generally non-resident, but he is practically only a judge of appeal, and the sheriff-substitute, who substantially answers to the English County Court judge, is always resident in or near the principal town of the county, in which town the court is held; he is consequently at hand to sit in court whenever necessary, and when not in court he sits in chambers; practically, the judge does business *de die in diem*, and applications can be made to him at any time. In England, on the contrary, there are often a dozen courts in a county, each issuing its own process and executing its own judgments, and being, in all respects, a distinct tribunal, except that it shares its judge with the other courts of the county.

The judge is not obliged to be resident in his county, and as a matter of fact is frequently non-resident, nor does he sit in chambers during the intervals of court sittings, his function being to make a circuit through his different courts once a month, being present as a rule one day of the month in each, and the whole circuit not occupying, on an average, more than from a fortnight to three weeks. By the Act of last session all the County Courts may be closed in the month of September, so that a full period of six weeks, in extreme cases of two months, may

elapse without the opportunity to either creditor or debtor of obtaining judicial intervention in the proceedings of a bankruptcy.

If it should be answered that the registrar of a County Court can act in the absence of the judge, it must be observed that out of the six hundred and odd County Courts in England, a large proportion are situated in small towns, sometimes hardly more than villages, where it cannot be expected that solicitors of such experience or standing can be obtained as can adequately discharge the very responsible duties devolving on a registrar in bankruptcy, who has, with the exception of eleven days in the year, to discharge the duties of a judge. The Sub-Committee are not clear whether the ninth clause in the Bill is intended to meet this difficulty.

The Sub-Committee, therefore, venture to suggest that distinct provisions should be added to the Bill, first, empowering the Lord Chancellor to fix on one or more courts in each County Court circuit in which, and in which alone, proceedings in bankruptcy shall be carried on; secondly, providing that the judge shall reside within a certain distance of such court or courts; and, thirdly, that during that portion of the eleven working months in which he is not occupied on circuit, the judge shall sit, say three days a week, at such court or courts in chambers.

The Sub-Committee respectfully submit that some such provisions as these are absolutely needful, in case an unlimited jurisdiction in bankruptcy is to be given to the County Courts.

14. The Sub-Committee further submit to the Attorney-General, that it would be desirable to introduce into the Bill clauses for enabling the creditors of deceased insolvent debtors to wind up their estates in bankruptcy. Clauses to effect this object were passed by the House of Commons in the Bankruptcy Consolidation Bill of 1849, and were withdrawn in the House of Lords on a promise from the Lord Chancellor (Lord Cottenham) that he would introduce a separate Bill for the same object. Similar provisions will be found in the Bill prepared in 1858 by

the Association represented by this Sub-Committee, which was introduced by Lord John Russell, and read a second time by the House of Commons in 1859.

The Sub-Committee sent a copy of the foregoing suggestions to the Attorney-General, and subsequently had an interview with him on the subject. They cannot entertain any sanguine hopes that the amendments which they advocate will be introduced into the Government measure, as the Attorney-General seems impressed with the conviction that every insolvent estate, in the absence of a deed of arrangement framed under the conditions of s. 293, ought to be taken into court. The principle, on the other hand, on which the Sub-Committee base their suggestions, is that the law should afford facilities for the winding-up of an insolvent estate, if the creditors so desire, out of court and with the minimum of legal technicality.



*Annual Report of the Standing Committee of the Department of  
Jurisprudence and Amendment of the Law.\**

**D**URING the past session, the department at the thirteen meetings which it has held has dealt with several subjects of much importance in relation to the amendment of the law, or the improvement of its procedure.

The opening address, delivered by Mr. Hastings, on the invitation of the department, was mainly devoted to three points: 1st. A proposal to abolish the existing separate Courts of Probate, Divorce, Admiralty, and Arches, and to create in their place one Superior Court of Civil Law, possessing testamentary, matrimonial, maritime, and ecclesiastical jurisdiction, with a judicial staff, composed of a chief and two puisne judges, sitting together or separately, as the convenience and the nature and amount of business might require. 2nd. The need in our large provincial towns for courts of law with plenary jurisdiction and resident judges; and 3rd. The existing rules as to the admissibility of certain kinds of evidence. The elaborate and interesting arguments on the first two subjects of the address, establish a strong case in favour of the views put forward by Mr. Hastings, and claim further consideration.

The Council of the Association, thinking it desirable that the attention of the Government should be drawn to the importance of at once beginning the work of digesting our Case Law, appointed a committee at the end of last session to prepare a memorial for presentation to Earl Russell. This memorial (which will be found in the Introduction to the volume of the Transactions for the current year) contains a concise but convincing statement of

\* Read at the Annual Meeting of the Department on Monday, June 18, 1866, the Right Hon. Lord Brougham in the chair.

the advantages which would be gained by the framing of an authoritative digest of the Case Law of England. Its arguments are enforced by quotations from addresses delivered by Lord Brougham, Sir James Wilde, and Earl Russell himself, at different meetings of the Association, which strongly confirm the view of the Council, that such a digest, "like an expurgated and revised Statute Book, would form an important step towards the enactment of a code; but taken by itself it would be invaluable." A deputation was appointed to wait upon Earl Russell on the 6th of March last. As the members of this deputation (which was very numerous and influential) arrived, they found that Earl Russell was too unwell to receive them. The memorial, however, was presented, and in reply to it, a letter has been forwarded by Earl Russell to the General Secretary informing him that the subject was receiving the attention of the Government. The Committee sincerely trust that in the course of the next session, a work which has so important a bearing upon the interests of all classes, may be vigorously taken in hand. The practical method of dealing with the subject will form one of the special questions for discussion at the next meeting of the Association.

The subject of the Bankrupt Law was again brought before the department, at one of its first meetings, by Mr. Hawes, who read a paper on "The Reform of the Law of Debtor and Creditor," in which he recommended the entire reconstruction of this part of our law, so far as it relates to those who are unable to meet their engagements.

He showed that the dissatisfaction of the mercantile classes with the existing law arose not so much from the extravagance of the charges made by the Court, as their excess over the expenses of winding up estates by the creditors of insolvents themselves, and he strongly advocated the abolition of all the existing Courts of Bankruptcy, giving the County Court a limited jurisdiction for convening meetings of creditors, whenever a debtor is unable to meet his engagements. From that time forward, he

maintained that the entire authority for winding up the estate extra-judicially should be vested in the creditors.

Early in the session, the Attorney-General fulfilled the pledge given by the Government, by introducing a Bill for Consolidating and Amending the Law of Bankruptcy: this Bill was referred to a Sub-Committee which had previously been appointed to consider the whole subject of the Bankrupt Law. Some of the principal new provisions in the Bill they found to be identical with those which had been urged for many years by this Department and the Law Amendment Society. These societies have always advocated the consolidation of the existing statutes. The clauses in the proposed Bill which give the creditors power to wind up the estates of their insolvent debtors through the agency of a paid trustee responsible to themselves, and the other clauses which provide for the gradual transfer of the district jurisdiction to the County Courts, carry out suggestions which have long been recommended by the Association. But from some of the proposed alterations in the law the Sub-Committee felt bound to dissent, particularly those which require that the administrative authority to be exercised by the creditors should be preceded by adjudication; those which disallow the right of creditors to arrange for a composition with their debtor; and those which withhold absolutely for six years the discharge of insolvents who do not pay 6s. 8d. in the pound.

The Sub-Committee drew up a series of suggestions for the consideration of the Attorney-General, in which they urged the imperative need in any new measure for affording every possible facility for winding up the insolvent debtor's estate out of court, and upon such terms either as to composition or discharge as the creditors acting by fixed majorities in number and value should see fit. These suggestions, which also contained recommendations for several alterations in the details of the Bill, have been embodied in the report subsequently submitted to and adopted by the Department. They were forwarded to the Attorney-General, with whom a deputation of the Sub-Committee



subsequently had an interview. They regret to say that, though he paid great attention to the representations of the Committee, he was not then prepared to introduce any of the suggested modifications into the Government measure. Subsequently, however, the learned Recorder of London undertook to move, as instructions for amendment in committee on the Bill, the adoption of those which claim for the creditors the right to wind up the estate out of court, to arrange for composition, and to discharge the bankrupt.

It is scarcely probable now that the Bill will be passed this session. But as it is almost certain to be reintroduced next year, the Committee deem it of great moment that its principle and details, and, indeed, the whole subject, should be carefully and exhaustively examined. They are, therefore, glad to say that the subject of Bankrupt Law Amendment will form another of the special subjects for discussion at the next meeting of the Association at Manchester.

The Lord Chancellor this session presented to the Lords a Bill which proposed to remove two of the defects in the Law of Evidence, which have been so often pointed out, and the removal of which has been so strongly urged by this Department. The Bill merely contained a provision that every person in a suit instituted by reason of adultery, or action for breach of promise of marriage, should be competent but not compellable to give evidence. Unfortunately, upon the motion for the second reading, the members on a division were equal, and the Bill fell to the ground. The Committee, however, propose to introduce a similar measure into the House of Commons, where they hope that the sound principle upon which it is founded has been clearly recognised.

The Legislative Business Committee of the Department have also prepared a Bill for Amending the Legitimacy Declaration Act, 1858, by removing any doubt as to the right of parties to suits for the dissolution of marriage or declaration of legitimacy, to have any disputed questions of fact tried by a jury. This

Bill has been brought in by Mr. Thomas Chambers, Q.C., M.P., and stands for second reading on the 16th of July.

On the 15th of November last, a Sub-Committee was appointed to make such inquiries, and offer such suggestions to the Royal Commission, with reference to the construction and arrangement of the new Courts of Justice, as may from time to time appear desirable in the interests of all branches of the profession and of the general public. Having ascertained from the Commission that they would be glad to receive such assistance, the Sub-Committee drew up a circular inviting suggestions on different practical points. Copies of this circular were forwarded to the clerks of peace for counties and boroughs, town clerks of boroughs, chambers of commerce, under-sheriffs of counties, clerks of assize, and others. Several of the replies were of much value, and have been incorporated in the instructions drawn up by the Commission for the competing architects. Shortly after the appointment of the Sub-Committee, a paper was read before the department by Mr. Thomas Webster, Q.C., F.R.S., "On the Site, Approaches, and Arrangement of the New Palace of Justice." Most of the admirable practical suggestions and hints contained in this paper have been adopted by the Commission, who have expressly recognised its value.

At other meetings of the Department, papers have been read by Dr. Waddilove, On the Expediency of making Marriage compulsorily a Civil Contract in the first instance; by Mr. Serjeant Burke, On the Necessity for Exercising some Legal Control and Restriction over the Assumption of Surnames and Armorial Bearings, and the Need for some competent Court to decide on Rights and Claims to Baronetcies; by Mr. John Guest, On the Affiliation of Illegitimate Children; and by Mr. Leppoc, On Tribunals of Commerce. The reading of these papers was followed by discussion, and they will all be found in the *Journal of Social Science*.

The Sub-Committee appointed to consider the subject of the Patent Law have held many meetings, and in the course of their

protracted sittings submitted the principles and procedure of the existing law to an exhaustive examination. The report prepared by the Sub-Committee reviewed the question both of the policy and practice of the law, and embodied a series of resolutions distinctly directed to the reduction of the vexations and grievances arising out of the existence of Patents obstructive and injurious by reason of their triviality, of their being for things not new, or of their being ill-defined. Other resolutions of the Sub-Committee propose to establish machinery for the simplification of the procedure connected with the trial of Patent Causes. The Sub-Committee also recommended that Patentees should be compelled, upon equitable terms, to grant licenses.

The report, with the resolutions, was laid before the Department, and, after full discussion, the following two resolutions substantially affirming the report were adopted :—

1. That it is expedient that there should be a Patent Law.
2. That there should be a system of Compulsory Licenses.

The report and recommendations of the Royal Commission upon Capital Punishment were discussed before the Department in a paper by Mr. Serjeant Woolrych. The discussions which followed gave opportunity for a full expression of opinion on the part of the members.

The Lord Chancellor, it may be observed, has introduced a Bill in the House of Lords, founded upon certain recommendations of the Commission. The Bill has been considerably modified by a double revision in committee. As altered, it proposes to alter the existing law, by requiring that there shall be no conviction for murder unless the jury is satisfied of an intention to kill or do some grievous bodily harm dangerous to life. It is also provided that a person charged with murder may still be found guilty of manslaughter.

Clauses are contained in the Bill for the protection of newborn children, by constituting the wounding of a child during birth, or within seven days after, felony, with penal servitude.



Certain other provisions, relating to the above amendment, and to matters incidental thereto, are also introduced.

The Lords have, however, refused to give up a provision in the Bill for the carrying out of the judgment of death within the walls of the prison in the presence of certain witnesses, the fact of the execution to be guaranteed by certificate, declaration, and inquest.

The Department, now divided into three Sections, has fixed upon the following special questions for discussion in each Section at the Manchester meeting:—

*Section A.—INTERNATIONAL LAW.*

1. What are the best means of Securing and Extending an International Law of Copyright?

2. What is the duty of the Mother Country as regards the Protection of Inferior Races in her Colonies and Dependencies?

3. How may the Extradition of Criminals be best secured consistently with the Right of Asylum?

*Section B.—MUNICIPAL LAW.*

1. On what principle should a Bankrupt Law be founded?

2. What would be the best mode of reducing the Law of England to a compendious form?

3. What conditions or limitations ought to be imposed upon the power of disposing in perpetuity of Property, real or personal, for charitable or other public purposes?

*Section C.—REPRESSION OF CRIME.*

1. Is it desirable to carry out Life Sentences to the uttermost; and if so, in what cases, and under what form of discipline?

2. What are the best means of Preventing Infanticide?

3. In what other public institutions besides Gaols ought Coroners to be required to hold Inquests in all Cases of Death?

1. The first part of the paper

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